

# *Family Reunification and Family Formation in 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.

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## **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?**

This brochure is intended for people who want to apply for family reunification or family formation with a family member or spouse/ partner living in the Netherlands. We talk about family reunification if it concerns a marriage or relationship that already existed when both partners were still living in a foreign country. This also applies to the children in the foreign country who were already part of the family of the person living in the Netherlands. We talk about family formation if it concerns a marriage or relationship that began when one of the partners was already living in the Netherlands. The brochure contains information for family members and people living in a foreign country who want to make an application for the purpose of family reunification or formation with a family member or partner living in the Netherlands. The brochure then takes you through the procedure. It also tells you what documents you will need. If you read this brochure then you will know what steps you have to take and whether or not you have the right documents. The documents you need depends on the purpose of your residence. If you do not have the right documents, then this usually delays the processing of your application.

**If you are a citizen of one of the member states of the European Union or the European Economic Area, then different admission rules apply. You do not need to read this brochure if you have the nationality of one of the following countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Norway, Portugal, Spain, Sweden, or United Kingdom (Great Britain and Northern Ireland). There is a special brochure for you that can be obtained from the Immigration and Naturalization Service.**

### **3 What conditions do I have to satisfy for family reunification or family formation?**

In order to be eligible for family reunification or family formation, you and your family member/partner will both have to satisfy certain conditions. There are general conditions, and conditions that specifically apply to marriages, relationships, children, or parents. Below is a list of the conditions which in any event apply to you. You can check to see if you satisfy them.

#### *General conditions*

- You must have a valid passport.
- You must have health insurance that covers all risks in the Netherlands.
- You must not have a criminal record.
- You must not have tuberculosis in the Netherlands<sup>[1]</sup>
- Your family member, you want to live with in the Netherlands, must have independent and continuous sufficient means of support. He/she does not have to satisfy this condition in the following cases:
  - He/she is aged 57.5 or older.
  - He/she is a single parent caring for one or more children aged under five and legally resident in the Netherlands.
  - He/she has been declared completely and permanently disabled for work.

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[1] Any alien who wants to stay in the Netherlands for longer than three months has to undergo a tuberculosis examination. This obligation does not apply to citizens of the European Union, from Australia, Canada, Iceland, Israel, Japan, Monaco, New Zealand, Norway, Suriname, the United States and Switzerland (including Liechtenstein)

*Please note: **Waiting period:*** If your partner/spouse has been admitted to the Netherlands as a minor in connection with family reunification, there is a waiting period of three years. He/she must have lived legally in the Netherlands for at least three years before you can be given a residence permit.

#### *Specific conditions*

If you satisfy all the conditions above, you can now check to see which conditions apply to your specific situation.

#### Marriage:

- The marriage must be legal.
- You have an official, legalized, marriage certificate.
- You must both be aged 18 or over.
- Living together: as soon as you have arrived in the Netherlands, you must live together.
- You must also have a joint household, and live at the same address. The marriage must be registered in the local council's personal records database.
- Your spouse in the Netherlands must have sufficient means of support.

#### Relationship:

- A continuous and exclusive relationship: as soon as you have arrived in the Netherlands, you must live together. You must also have a joint household, and live at the same address.
- You must both be single.
- You must both be aged 18 or over.
- You have an official, legalized, document stating you are not married.
- You have to sign a relationship declaration.
- You have to sign a guarantee declaration.
- Your partner in the Netherlands must have sufficient means of support.

#### Children:

- The children must be aged 17 or under.
- They must be single, and not have been married at any time in the past.
- They must belong to the family in practice.

- There must be a relationship under family law.
- The family member in the Netherlands must have sufficient means of support.

Other family members:

- The adult children or grandparents actually belong to the family in practice (this therefore concerns other family members than a spouse, partner, or underage children)
- As soon as you have arrived in the Netherlands, you will have to live together.
- You must also have a joint household, and live at the same address. Leaving the family member behind in the country of origin would cause unreasonable hardship.
- There must be a relationship under family law.
- The family member in the Netherlands must have sufficient means of support.

Parents (65+):

- The father or mother must be single.
- The father or mother must be aged 65 or over.
- The children living in the Netherlands must have Dutch nationality or have a permanent residence permit.
- You must be able to show you satisfy the above mentioned conditions with legalized documents.
- The children living in the Netherlands must have sufficient means of support to be able to take care of the parent.
- There must not be a child in the country of origin who can be considered to be able to take care of the parent
- Nearly all children must live in the Netherlands.

#### 4 Which documents do you need?

For admission to the Netherlands you need various documents. You will need most documents before you make your application for admission. There are other documents that you will only need if you are admitted to the Netherlands. For example, if you want to be entered in the register of the local council where you are living.

You will need the following documents:

For a spouse:

valid passport, legalized birth certificate, legalized marriage certificate, and passport photographs

For a relationship:

valid passport, legalized birth certificate, legalized document that shows you are not married, and passport photographs.

For children:

valid passport, legalized birth certificate, custody papers if relevant, and passport photographs.

Other family members:

valid passport, legalized birth certificate, and passport photographs.

For parents (65+):

valid passport, legalized birth certificate, and documents that show you are not married in your country of origin, and passport photographs.

### *Legalization and verification*

Official documents (for example, birth certificates, marriage certificates, etc.) from foreign countries have to be legalized. Legalization means that the authorities in the country where the documents come from sign a statement saying that the documents were issued by an official body. This statement is usually provided by the Ministry of Foreign Affairs or Ministry of Justice in your country. The Dutch diplomatic representation (embassy or consulate) in your country will then have to approve the documents. In the Dominican Republic, Ghana, India, Nigeria, and Pakistan, the documents also have to be verified after legalization by the Dutch embassy or consulate<sup>[2]</sup>. This means that the contents of the documents are checked. Verification takes several months. You will have to pay a fee for this. (See chapter 8 'The Costs')

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[2] You can obtain more information about legalization and verification of documents in the Netherlands from the Legalization department of the Ministry of Foreign Affairs. Telefoonnummer: + 31 (07)0 - 348 47 87, op weekdays from 9.00 - 12.00 uur and from 14.30 - 17.00 uur.

## 5 When do I need a visa?

In order to be able to enter the Netherlands, you will need a visa in most cases. This does not apply to everyone. It depends on your nationality. The Dutch embassy or consulate can tell you more about this.

**If you have the nationality of one of the following countries - Australia, Canada, Japan, New Zealand, Switzerland, or the United States - then you do not need to apply for a visa. In that case, go on to chapter 7 'What do I have to do when I arrive in the Netherlands?'**

If you want to stay in the Netherlands for longer than three months, then you will need to apply for an authorization for temporary stay (Machtiging tot Voorlopig Verblijf, MVV). This is a special visa that will allow you to enter the Netherlands. The MVV is issued to those who satisfy all the requirements for a residence permit in the Netherlands. Once you have arrived in the Netherlands, you have to exchange the MVV (if you still satisfy all the conditions) for a temporary residence permit. You can read about how to apply for this MVV below.

*You want to stay in the Netherlands for longer than three months*

You will need a special visa: an authorization for temporary stay (Machtiging tot Voorlopig Verblijf, MVV). This is a special visa that is issued to those who satisfy all the conditions for a residence permit in the Netherlands. You will need a residence permit if you want to stay in the Netherlands for longer than three months. Only when you can produce this MVV will you be able to apply for a residence permit in the Netherlands (as long as you still satisfy all the conditions). The MVV is a sticker that is fixed in your passport. You will have to pay a fee for the MVV and for the residence permit.

There are two ways of starting the application procedure for an MVV. You can make an application yourself at the Dutch embassy or consulate in your country. It is also possible to decide with your spouse/partner or family member (the so-called referee) to start this procedure in the Netherlands. You might prefer to do this because you live a long way away from a Dutch embassy or consulate.

*Please note:* Both procedures cannot be started at the same time.

*How do you make an application for an MVV?*

If you satisfy all the conditions, you can apply for an MVV at a Dutch embassy or consulate. In order to do so, you have to take the following documents to the Dutch embassy or consulate: a valid passport, passport photographs, and the documents listed in chapter 4. These might need to be legalized and/or verified (see chapter 4 'Legalization and Verification'). You should state in your application that you want to come for family reunification or family formation to the Netherlands. The embassy will pass your application on to the Immigration and Naturalization Service (IND) in the Netherlands. In the Netherlands, contact will be made with your spouse/partner or family member. A check will also be made to see whether or not they satisfy all the conditions. The IND will assess your application based on all the information, and then make a decision.

The IND will send a notification of its decision about your application to the embassy where you applied for the MVV. They will then notify you about the decision. If the application is approved, you will not automatically be issued with an MVV. The embassy or consulate will first of all check to see if you satisfy several formal conditions, for example if your passport is still valid. It is therefore advisable to wait until you have been issued with the MVV before you book a journey. The MVV is valid for six months after the date of issue. You must travel to the Netherlands within this period. If your application is not approved, you can object (see chapter 11 'What if you don't agree with a decision?').

*How can a referee support your MVV application?*

The person you will stay with in the Netherlands, in this case your partner or family member, is called the referee. To support your MVV application, your referee can also start the MVV procedure in the Netherlands for you. The referee should ask the Aliens Police in his region whether or not you are eligible for an MVV (see chapter 6 for more information for the referee). All the necessary information and documents have to be handed over in order to find out whether or not

you will be allowed to come to the Netherlands. That might mean you have to send documents, possibly legalized (see chapter 4 'Legalization and Verification'), to your referee in the Netherlands. The application will then be sent to the Immigration and Naturalization Service (IND) in the Netherlands. The IND will assess your application based on all the information, and then make a decision. The IND will send a notification of its decision about your application to the embassy in your country. They will then notify you about the decision. If the application is approved, you will have to go to the embassy in person to collect the MVV. Before the MVV is actually fixed in your passport, the embassy or consulate will check to see if you still satisfy several formal conditions, for example if your passport is still valid. It is therefore advisable to wait until you have been issued with the MVV before you book a journey. The MVV is valid for six months after the date of issue. You must travel to the Netherlands within this period. If your application is denied, your referee will be notified. If your referee has been authorized to do so, he can object on your behalf (see chapter 11 'What if you don't agree with a decision?').

*Please note:* You are not allowed to stay in the Netherlands during the MVV application procedure.

## **6 Information for the Referee**

*Please note:* This is the information for the spouse/partner or the family member in the Netherlands:

If you want your partner or family member to join you in the Netherlands, then you - as referee - have to satisfy the conditions mentioned in chapter 3. Only if you satisfy all the conditions, you or the family member who wants to come to the Netherlands can apply for an MVV.

An important condition for family reunification or formation is that you as referee have sufficient continuous independent income to be able to pay for the cost of living of your partner or family member. Sufficient means of support means a net income that is no less than the minimum level set by the National Social Security Assistance Act for

single people, single parents, and married couples/families. This is based on the level set by the National Social Security Assistance Act inclusive holiday allowance for people aged 21 and under.

The nature and the duration of the income is also looked at. The nature of the income means the type of income. It must be income from work, for example. That can be in paid employment but also as a self-employed person. This is also deemed to include benefits replacing income for which contributions have been made, such as unemployment benefit or unemployment disability benefit. Social security benefits are not considered to be income. This income must continue for at least one year. You must therefore be able to show you have an income for at least one year when the application is made.

For family reunification and family formation you will need to sign various documents:

#### **The guarantee declaration**

If you want your partner to come to the Netherlands, you will have to sign a guarantee declaration at the Aliens Police. This is a statement in which you say you will act as guarantor for any costs resulting from the stay of your family member. In brief, you are responsible for the costs of his or her stay in the Netherlands. This guarantee declaration is valid for five years. Nobody else can act as a guarantor for your family member. Furthermore, once you have signed a guarantee declaration you cannot withdraw it without good reason.

#### **The relationship declaration**

If you want your partner to come to the Netherlands, you will have to sign a relationship declaration with the Aliens Police. This is a written statement where you both state that you are actually living together, or going to live together, and have a continuous and exclusive relationship.

## 7 What do I have to do when I arrive in the Netherlands?

Once you have arrived in the Netherlands, you must then report to the Aliens Police within three working days in the region where your new residence is. You have to report to the Aliens Police regardless of whether or not you come from a country for which a visa is required. Any alien who wants to stay in the Netherlands for longer than three months has to apply for a temporary residence permit. If you have an MVV, you can exchange this for a residence permit. The Aliens Police will still check to see if you satisfy all the requirements. If it becomes apparent that you entered the Netherlands without a valid MVV even though you were required to have one, your application for a residence permit will be refused immediately and you will have to leave the Netherlands. If you do not have to have an MVV, you have to apply for a residence permit at the Aliens Police in the area where your new residence is. They will send your application on to be dealt with by the Immigration and Naturalization Service (IND). The IND will check whether or not you satisfy all the conditions listed in chapter 3 to see if you are eligible for a residence permit.

The residence permit is valid for one year and costs € 56,72.

*Please note:* After arrival in the Netherlands, you will also have to undergo a tuberculosis examination<sup>[3]</sup>.

## 8 The costs

An application fee has to be paid to the Dutch government. You must pay a fee for a:

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[3] A tuberculosis examination is not required if you come from one of the countries of the European Union, from Australia, Canada, Iceland, Israel, Japan, Monaco, New-Zealand, Norway, Suriname, the United States, or Switzerland (including Liechtenstein).

- Short stay visa (The fee depends on the exchange rate and how long the visa is valid for):
  - for 1 month € 25,-
  - for 2 or 3 months € 30,-
- MVV € 50,-
- Temporary residence permit
  - (for people aged 12 and over) € 56,72
  - (for people aged 11 and under) € 22,69
- Legalization € 9,08 per document
- Verification € 136,13 per document
- Work permit (to be paid by the employer)

#### *Handling Fee*

As of 1 January 2001, the Dutch government will be charging a so-called 'handling fee' for each new visa application. This means that prior to any decision about the visa application, a charge will be made for handling the application. This will be the same as the fee that has to be paid for the visa being applied for. If the application is approved, this means the applicant has already paid all the costs. If the visa application is refused, however, the handling fee will not be refunded.

### **9 What should I do if my circumstances have changed or if my residence permit is about to expire?**

If the purpose of your residence changes, or if your residence permit is about to expire, this has consequences for your further stay in the Netherlands. If the purpose of your stay changes, then you must notify the Aliens Police in your region in advance (no later than four weeks before your residence permit expires).

If your residence permit is due to expire and you want to stay in the Netherlands, you will have to renew your residence permit with the Aliens Police in time (four weeks before the expiry date). Renewal is of course only possible if the conditions of your permit allow this. There are no charges for renewal.

## 10 Frequently asked questions

### **For the partner or the family member in the foreign country:**

*If I have a residence permit in connection with family reunification, am I also allowed to work?*

This is often allowed, but it depends on who you are staying with. If the person you are staying with in the Netherlands is allowed to work, you will generally be allowed to do so too. On the back of your residence permit it will state whether or not you are allowed to work and if you need a work permit to do so.

### **For the referee in the Netherlands:**

*Can I bring my second wife over to the Netherlands?*

No, the Dutch government considers all marriages as monogamous. That means that only one wife and the children she has given birth to can live with you in the Netherlands.

*Where can my partner obtain 'a single status declaration' in their country?*

He or she can ask the local authorities about it. Not every country does it the same way. In some countries it is a separate document, in other countries it is included on the birth certificate.

*Can somebody else other than me act as a guarantor for my partner?*

No, that is not possible. As referee you must be able to prove that you have sufficient income to support your partner, spouse, or family member.

*Where and how can I take out health insurance for my spouse, partner, or family member?*

Your partner or family member can take out their own health insurance in the country of origin. Only after your partner has got a residence permit in the Netherlands is it possible to take out health insurance in the Netherlands.

*I have just got a new job and I am still in the probationary period. Can I make an application anyway?*

If you have to complete a probationary period at your new job (where you are going to work for at least a year), the employment contract will

only be considered continuous when you have completed the probationary period successfully. However, the probationary period does count when looking at the length of your employment.

*I have a job with an employment agency, is that enough for me to be able to take care of my partner?*

Employment agency work is not considered as work for at least one year because of the uncertain character of employment agency work. This also applies to a short-term employment contract for a period of less than one year.

## **11 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 any lawyer called in by you can take these steps on your behalf. The decision notification will include details about how you can object/appeal against the 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.

## **12 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 Constabulary, the IND is responsible for border control, for monitoring the legal residence of aliens, and for returning aliens who are no longer allowed to remain in the Netherlands.

## **13 Glossary**

### *Declaration about your past*

Declaration signed by an alien, which states whether or not the alien has a criminal record

### *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.

### *Declaration of cognisance*

A declaration signed by the alien, which states that he is aware of the conditions that apply for his purpose for visiting the Netherlands. The alien also states here that he is aware of the fact that he has to leave the Netherlands at the end of his temporary stay.

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

*Authorization for temporary stay (Machtiging tot Voorlopig Verblijf, MVV)*

Visa with which an alien can travel to the Netherlands in order to apply for a residence permit here at the Aliens Police. Before MVV is issued, a check is made to see if the alien satisfies all the conditions for residence in the Netherlands. The MVV is applied for and issued at a Dutch embassy or consulate.

*Referee*

The acquaintance who receives the alien in the Netherlands.

*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.

*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.

*Alien*

A person who does not have Dutch nationality.

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

#### 14 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 3124. 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 3124  
Fax: +31 (0)70 370 3134  
E-mail: [voorlichting@ind.minjus.nl](mailto:voorlichting@ind.minjus.nl)  
Internet: [www.immigratiedienst.nl](http://www.immigratiedienst.nl)

Information numbers for regional offices

If your request is dealt with by the IND, you can ask for information about how your application is proceeding. Depending on where you live in the Netherlands, or where your referee lives, you should get in touch with the relevant regional office of the IND. Any letters from the IND will as far as is possible detail the direct telephone number of the officer dealing with the application. Anyone asking for information by telephone must be able to give the following information to the IND straightaway:

- Surname and first name (maiden name if applicable)
- Place of birth and date of birth
- Nationality

Regional office Zuid-West in Rijswijk (Zuid-Holland and Zeeland)

Can be reached by telephone on weekdays from 9.00-12.30 and from 13.30-16.30.

Telephone:+31 (0)70 370 3422

Fax: +31 (0)70 370 3600

Regional office Noord-West in Hoofddorp (Noord-Holland and Utrecht)

Can be reached by telephone on weekdays from 9.00-12.30 and from 13.30-16.30.

Telephone:+31 (0)23 568 3420

This regional office has no fax number for information.

Regional office Zuid-Oost in Den Bosch (Noord-Brabant and Limburg)

Can be reached by telephone on Mondays to Thursdays from 9.00-12.30 and from 14.30-16.30, and on Fridays from 9.00-12.30.

Telephone:+31 (0)73 649 5342/649 5343/649 5344

This regional office has no fax number for information.

Regional office Noord-Oost in Zwolle (Friesland, Groningen, Drenthe, Flevoland, Overijssel and Gelderland)

Can be reached by telephone on weekdays from 9.00-12.30 and from 13.30-16.00.

Telephone:+31 (0)38 469 1150

Fax: +31 (0)38 469 1144

Visa Service

*For questions about visas for family visits, holiday, transit, and through travel.*

Can be reached by telephone on weekdays from 9.00-12.00 and from 14.00-16.00.

Telephone:+31 (0)70 370 3555

Fax: +31 (0)70 370 3655

Postal address:  
Immigratie- en Naturalisatiedienst  
Afdeling Visadienst  
Postbus 30124  
2500 GC 's-Gravenhage

Business visa

*If you have questions about business visas, please contact:*

Ministry of Foreign Affairs

It can be reached by telephone on weekdays from 9.00-12.30.

Telephone: +31 (0)70 348 6486

## **15 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.