

Paid Employment **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.

Contents

1	What is the purpose of this brochure?	5
2	Who should read this brochure?	5
3	Under which conditions can you stay in the Netherlands ?	6
4	Which documents do you need?	7
5	When do you need a visa?	7
6	Information for the employer in the Netherlands (the referee)	11
7	What do you have to do when you arrive in the Netherlands?	13
8	The costs	14
9	What should you do if your circumstances have changed or if your residence permit is about to expire?	14
10	Exceptions	15
11	Frequently asked questions	15
12	What if you don't agree with a decision?	16
13	Which official bodies will you have to deal with?	16
14	Glossary	17
15	Do you still have any questions?	19
16	Publication	21

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 aliens who want to work in the Netherlands. It deals with paid employment, that is to say working for an employer. This brochure will tell you about the rules that apply if you want to work in the Netherlands. First of all, you can find out if you satisfy the conditions for a stay as a paid employee. The brochure then takes you through the procedure step-by-step. It also tells you what documents you will need. Read this brochure through carefully, so that you know which steps to take and whether or not you have the right documents. The documents you need depends on the purpose of your visit. 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 Under which conditions can you work in the Netherlands?

If you want to work in the Netherlands, then you have to satisfy certain conditions. There are general conditions, and conditions that specifically apply to your stay as an employee in the Netherlands. Below is a list of the conditions which in any event apply to you. You can check to see if you satisfy them.

^[1] Once you have arrived in the Netherlands, you will have to undergo a tuberculosis examination. This 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, Switzerland (including Liechtenstein), or the United States.

^[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. Telephone number: +31 (0)70 348 4787, on weekdays from 9.00-12.00 and from 14.30-17.00.

General conditions

You must in any event:

- Have a valid passport.
- Not have tuberculosis.^[1]
- Not have a criminal record. You will have to sign a statement about your past to confirm this.
- Have health insurance that covers all risks in the Netherlands.

Specific conditions

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

- If you come from a country where you have to have a visa, you must have an Authorization for temporary stay (Machtiging tot Voorlopig Verblijf, MVV) or a visa.
- You have to be able to prove that you have a prospect of a real job with an employer in the Netherlands.
- There must not be any job-seekers in the EU who are eligible for the position you want to fill.
- Your employer in the Netherlands has to apply for a work permit from the local employment office.

4 Which documents do you need?

For admission to the Netherlands you need various documents. You will need most documents straightaway for 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:

- a valid passport;
- a legalized birth certificate;
- passport photographs;
- work permit

You will in any event need to sign the following documents when you arrive in the Netherlands:

- declaration of cognisance
- declaration about your past

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.^[2] 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')

5 When do you 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 you have to do when you arrive in the Netherlands?'

There are different types of visa for the Netherlands. If you want to stay in the Netherlands for less than three months, then you will need a short stay visa. 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 for a temporary residence permit. You can read about how to apply for this visa below.

Please note! If you have entered the Netherlands with a short stay visa, you will not be able to obtain a residence permit here. In that case you will first of all have to return to your country of origin, or the country where you have established residence, in order to apply for a so-called Authorization for temporary stay (MVV) at the Dutch embassy or consulate in that country.

^[3] If there is no Dutch embassy or consulate in your country, then you should contact the Dutch Ministry of Foreign Affairs to find out where you can make an application. For more information you can call: +31 (0)70 348 64 86.

You want to work in the Netherlands for less than three months

You will need a short stay visa. You will have to make a personal application at the Dutch embassy or consulate in your country.^[3] You should state in your application that you want to come to the Netherlands for paid employment. The embassy or

the Visa Service in the Netherlands will then check to make sure you satisfy the conditions in order to be able to stay in the Netherlands. It can take up to three months for your application to be dealt with. It is therefore important that you apply for a visa well in advance. The short stay visa is a sticker that is fixed in your passport. You will have to pay a fee for the visa. Once you have your visa, you can travel to the Netherlands. You will find more information in the brochure 'Visa for Short Stay in the Netherlands'. You can read more about what you will have to do when you arrive in the Netherlands in chapter 7.

Please note ! It is advisable to wait until you have actually been issued the visa before you book your journey. Even after the application has been approved, certain matters will still need to be checked, for example if your passport is still valid.

You want to work 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. You can also choose to start this procedure in the Netherlands in consultation with the employer (the so-called 'referee'). 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: a valid passport, passport photo-

graphs, and the documents listed in chapter 4. These might need to be legalized and eventually verified (see chapter 4 'Legalization and Verification'). You should state in your application that you want to come as a paid employee to the Netherlands. The embassy will pass your application on to the Immigration and Naturalization Service in the Netherlands. In the Netherlands, contact will be made with your employer. A check will also be made to see whether or not your employer satisfies 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 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 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, you can object (see chapter 12 'What if you don't agree with a decision?').

How can a referee support your MVV application?

The acquaintance who will meet you in the Netherlands, in this case your employer, 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 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 Dutch 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 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 12 '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 employer in the Netherlands (the referee)

Your prospective foreign employee can only come to the Netherlands to work if he has a certain residence permit. As an employer in the Netherlands, you also have to have a permit to be able to employ him. The alien can work for you if he has a work permit. This permit is only issued if no job-seekers can be found in the Netherlands or in the European Union for the same position.

The employer can get an application form for a work permit from the local employment office in the Netherlands. The employer has to submit this form to the employment office with the required documents. After the application has been submitted by the employer, the employment office will advise the Employment Services Authority whether or not the residence permit should be granted. This advice will be based on the availability in the regional labour market of suitable candidates for the position detailed in the application. A work permit can be refused if the foreign employee is not aged between 18 and 45.

The accelerated MVV procedure for companies and organizations

The employer can, as the so-called referee, start the application procedure for an Authorization for temporary stay (MVV) for his prospective employee. If a company or organization regularly acts as a guarantor for the stay of aliens in the Netherlands in connection, for example,

with study or employment, this company can ask for permission in the future to submit the MVV applications to the IND on behalf of the aliens. If permission is granted, these MVV applications can be processed more quickly via the accelerated MVV procedure. Permission will be granted by the IND if the company or organization is able to satisfy the following conditions:

- At least 10 applications per year are made.
- The company or organization must stand as a guarantor that the alien:
 - satisfies the admission conditions,
 - has adequate health insurance,
 - will undergo a tuberculosis examination after arrival in the Netherlands.
 - has sufficient means to support himself,
 - has accommodation,
 - guarantees he will return to his country of origin at the end of the period of stay.
- In the case of paid employment, a copy of a valid work permit must be enclosed with the application.
- The company must be registered with the Chamber of Commerce. If required, the management must prove that the company is solvent, that the employees are registered with the benefits agency, and that contributions and taxes are paid.

7 What do you have to do when you 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 have entered the Netherlands without a valid MVV, 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.

^[4] 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, Switzerland (including Liechtenstein), or the United States.

Please note! After arrival in the Netherlands, you will also have to undergo a tuberculosis examination.^[4]

8 The costs

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

- 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 you do if your circumstances have changed or if your residence permit is about to expire?

If the purpose of your visit 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 visit changes, for example because you want to stay in the Netherlands to study once your employment contract has come to an end or you change employers, then you must notify the Aliens Police in your region in advance (no later than four weeks before your residence permit expires). Your new application will then be assessed to see if you meet the conditions applicable to your new purpose for remaining in the Netherlands.

If your residence permit is due to expire and you want to stay in the Netherlands, you will also 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 Exceptions

Sometimes the Foreign Nationals Employment Act is applicable. In these cases your employer does not have to apply for a work permit. You must, however, have a residence permit which has the note on the back which says: 'arbeid is vrij toegestaan, een tewerkstellingsvergunning is niet vereist' ('there are no restrictions on work, a work permit is not required'). There are separate rules concerning paid employment in the Netherlands which exclusively apply to family members of people in the diplomatic services. Information about this can be obtained from the Cabinet and Protocol office of the Ministry of Foreign Affairs, on +31 (0)70 348 4613/348 6138, on weekdays from 9.00-12.30 and from 13.30-16.30.

11 Frequently asked questions

What do I have to do if I go to work for another employer?

If you can get a job with another employer, this will affect your residence permit and your work permit. These are namely linked to each other and to your current job. If you get another job, your future employer would have to apply for a new work permit at the employment office. You would have to tell the Aliens Police that you are going to move from the one employer to the other.

Can I bring my family over to the Netherlands

If you have a residence permit, you can bring your family over to the Netherlands. In order to be allowed to enter the Netherlands, the family will have to follow the procedure described in chapter 5. The members of your family will have to apply for a residence permit in the Netherlands to be able to stay with you. This means that they will get a so-called 'dependent residence permit'. If your stay in the Netherlands

ends, their stay will end too. You can find out more information in the brochure 'Family Reunification and Family Formation' of the Immigration and Naturalization Service

12 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.

13 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.

14 Glossary

Alien

A person who does not have Dutch nationality.

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.

Declaration about your past

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

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 govern-

ment 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.

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.

Referee

The acquaintance who receives the alien in the Netherlands.

Short stay visa

Aliens from certain countries need to have a visa before they are allowed to come to the Netherlands. This visa must be applied for at the Dutch embassy or consulate in their own country. With a visa, an alien can stay a maximum period of three months.

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'.

15 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 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
Internet: 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

16 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.