

The ins and outs of Dutch residence permits

(A rough guide to the current rules)

The two main organisations involved in residency questions are the *Gemeentelijke basisadministratie persoonsgegevens* (GBA) which handles all registration and paperwork as an entrance to the system, and the *Immigration and Naturalisation Service* (IND), which makes all decisions on immigration and integration.

The guidelines for eligibility depend on several factors which can include: country of origin, length of residence in the Netherlands, purpose (study, work, family reunion or marriage), income, level and sort of education and, in some cases, age. The website (www.ind.nl) set up by the IND to answer most basic questions is reasonably thorough and includes a detailed section in English which is fairly simple to use, although not always as up to date as the Dutch version.

The IND defines regular immigration as persons who “come here to work, to study or for a family reunification or formation. These forms of residence are based on grounds other than asylum”. All immigration and residence decisions go to the IND, which processes all MVV (temporary residence permits), and anything to do with visas.

The GBA (*Gemeentelijke basisadministratie persoonsgegevens*) is part of the Civil Affairs Department of the local city, town or district council hall. It handles all administrative aspects of residence permit requests and immigration. Law requires registration with the GBA for everyone residing in the Netherlands for longer than three months and should happen within the first 3-5 days after arrival. It also acts simultaneously as registration in the municipal register, triggers notification of your details to the IND, and the tax office, which in turn automatically connects your details to a burgerservicenummer (BSN), required by both employers and the tax office to work.

Important: in most cases, even though the system is set-up to “share” registration information, you will still be expected to go to each of the municipal installations (tax office, etc) to register or request a BSN number, in person.

It also proves your residence (and therefore your rights) within a municipality, gives you access to government institutions, and is where you will need to exchange your driver's licence (see 'Driving and Parking'). The way you are registered (i.e. number of people in your family) will also automatically determine the charges for water and refuse collection, pollution and local taxes, enable you to register for middle/low cost housing (*woonvergunning* or *huisvestingsvergunning*) depending on your income and eventual residence status, and vote in local and European elections.

For EU/EEA citizens this is the place where you will register and get a 'proof of registration' (*uittrekkse*) (see below). For non-EU citizens, an *uittrekkse* can help to speed up processes in other departments, or at the tax office, and while not required, can be useful until your documents arrive.

To register at the GBA you will need to provide the following documents: passport (valid for a minimum of the duration of your stay, unless permanent); [house] rental contract (in your name); employment contract (if applicable); birth and marriage certificates of all family members (who also have to appear in person at the first application). These

documents may require document authentication referred to as 'legalisation'. [apostilled in Oz] Information about legalisation from countries of origin can be given by embassies, the department of civil affairs or the IND.

EU/EEA Citizens

Under EC treaties, as a national of an EU/EEA member state you only need your passport to enter the Netherlands and do not require a residence document (*verblijfsvergunning*) to stay, or a work permit to take employment, or marry a Dutch national residing in the Netherlands, or retire.

For EU/EEA nationals, you will need your “proof of registration” to make an appointment with the IND to simply register your residency (*verklaring van inschrijving*). This process is free, but dependent on initially registering with the GBA. You also must be able to “explain” the purpose of your stay.

Non-EU Nationals

Many expats not from the EU/EEA nations must first obtain a '*machtiging tot voorlopig verblijf*' (MVV), or authorisation visa for temporary stay, while still in their country of origin. Some expats applying with a long-term or permanent employment contract may come into considerations for a five-year permit on entry.

Also, the family and partner category will allow entry of relatives or partners of: a Dutch national, holder of a long-stay residence permit or a person with asylum status (see 'Bringing the Family'). However, they may be required to take an integration test once here (see below).

The civil integration test

As of last year, many of those requiring a MVV will also be required to take a civil integration test in their home country before applying for the MVV (for exceptions see below). This will have an impact primarily, but not only, on those who wish to come to the Netherlands to marry or form a family. In many cases, passing this test will be required before a visa is issued. The test can be requested at a Dutch consulate or embassy in your home country or online from IND, and costs approximately €350.

The following groups are exempt from taking the test:

- Persons of various nationalities, including Australian;
- Persons who are coming to the Netherlands for a temporary reason, such as study, au pair work, an exchange, or medical treatment;
- Persons coming to the Netherlands with a work permit and their family members, the self-employed, and knowledge migrants,
- Family members of those granted asylum that are coming for family reunification.

Once passed, foreign nationals may enter the Netherlands and register directly at the GBA in their own municipality and apply for residence permits. All non-EU/EER nationals above the age of 12 must have their own residence permit.

For more details, see <http://www.naarnederland.nl>, <http://www.hetbegintmettaal.nl/> and <http://www.handreikinginburgeringgemeenten.nl/>

Highly Skilled Migrants

Eligibility factors include: income levels, and prior registration and agreements between the IND and the employers. To qualify you must be entering the Netherlands for the prime purpose of employment, earning a minimum gross salary of €46.541, or €34.130 if under the age of 30. The income criteria does not apply if you are being employed by an educational or research institute, a doctor in training as a specialist, or are a postgraduate student or university lecturer under the age of 30. Once the employment contract has been signed, the employer requests the residence permit.

There is also a new category under knowledge migrants for those with special skills ('talent regulation') that is not specifically attached to an employment contract. These are renewable two-year permits and can include artists, musicians, etc, but not professional sport players.

Students

For those wanting to come to the Netherlands to study, you will need to show when you register at the GBA that you are enrolled in a recognised institute of higher education, that you have health insurance and enough money to cover your education. The obligation to apply for a work permit has been abolished (see Work Permits).

ID Cards

As of 1 January, 2005 every man, woman and child above the age of 14 in the Netherlands is required by law to be able to produce proof of identity and residence upon request of police and authorities. Which form of identification will be accepted depends both on the situation, and on your nationality. For EU/EER nationals, you may use a valid passport with proof of registration with the IND. For immigrants and nationals of those countries outside the EU/EER, you will be required to carry a current/valid residency permit, '*verblijfsdocument*', as a passport will not be acceptable if the question that is being investigated concerns your legal status in the country.

Au pairs

If you want to work as an au pair, the following conditions apply: the au pair must be between the ages of 18 and 25, unmarried, have no children, and must not have had a previous residence permit or worked for the same family before. In addition, the candidate will require Dutch health insurance, undergo a TB test, and not be a threat to public order.

Important: it is now policy to forcibly repatriate au pairs that have over-stayed their permit, but do not wish to return to their country of origin at the end of their contract. If you are working as an au pair and feel you are being mistreated, you can call a government hotline to lodge a complaint: 070 370 3888 (during office hours).

For those who are self-employed, stringent income guidelines apply - see IND website for these. For full details on your situation, see the IND website.

Fees

For categories of fees, there is a complete list in the IND English language site. www.ind.nl (*English section*)