

Work permit

The work permit requirement for labor migrants

A labor migrant is an employee from outside the EEA (The European Economic Area, which includes all European Union members, Liechtenstein, Norway and Iceland) or from Switzerland who comes to the Netherlands:

- to work as an employee
- who earns at least the social assistance standard; and
- needs to submit a work permit in order to get an MVV and/or residence permit for working as a labor migrant.

When is a work permit required?

In principle, every employer who intends to employ a labor migrant will need a work permit for that employee. The definition of employer in this respect is very broad, and may lead to the obligation to apply for a work permit even if no employment contract exists under the Dutch Civil Code exists. If an employer hires a foreign national from a subcontractor or a temporary employment agency, he is still responsible for adhering to the work permit procedures. However, if the subcontractor or temporary employment agency already holds a work permit in the labor migrant's name for the work concerned, the employer need not to apply for an additional work permit.

A work permit will, in general, also be required if the employee concerned is, and remains, employed by the company in his home country, even in the event that the employee will work temporarily in the Netherlands. There are exceptions to this general rule, however (see below: When is a work permit not required?).

The work permit is only valid for a specific employer and for a specific employee. Change of employer or replacement of an employee means that a new work permit has to be obtained. Work permits will be issued for one year. For specific categories a work permit can be issued for a maximum period of 3 years.

When is a work permit not required?

A work permit is not required for:

1. a labor migrant performing occasional work for a maximum period of 12 consecutive weeks within an overall time frame of 36 weeks, consisting of:
 - installing or repairing machinery supplied by the person's employer, which is established outside the Netherlands
 - installing or adapting software supplied by the employer, which is established outside the Netherlands, or instructing local employees in the use of this software;
 - preparing, installing, holding or dismantling of an exhibition, or a stand within a larger exhibition or trade fair;
 - for the purpose of attending a (in-house company) training in the Netherlands, provided that the training is limited to: observation, to become familiar with the company, and receiving instructions under the guidance of a trainer.
2. a labor migrant performing occasional work for a maximum period of 4 weeks within a time frame of 13 weeks that consists of holding business meetings or concluding agreements .
3. a labor migrant who is holding a residence permit stating that he is free to accept employment (i.e., a labor migrant who has had a work permit and residence permit to work as a labor migrant for an uninterrupted period of five years).

Legalization of documents

Official documents, such as birth and marriage certificates issued in foreign countries, have to be legalized. For information on the legalization of documents, see link to following website of the [Dutch government](#).

General requirements

A work permit will, in general, only be granted if there are no candidates present on the labor market who can fill the vacancy and if the employer can demonstrate that he has not been able to fill the vacancy through recruitment in the Netherlands or Europe. This means that the employer must have reported the job vacancy to the UWV WERKbedrijf and the [European Employment Services \(EURES\)](#) at least five weeks before applying for a work permit. In addition the employer must be able to prove that he has made sufficient other efforts to recruit personnel in the Netherlands and in Europe, by placing several advertisements in papers, magazines, on the Internet, and with job agencies, and by providing reports on all European candidates responding and the reasons why they did not qualify.

Internal transfer procedure: employees of an international group of companies

A work permit may be issued without all the strict requirements which normally apply (see above regarding making efforts to recruit personnel) in case of a transfer within an international group of companies. A corporation will be considered as an international group of companies if the total turnover of the whole group is at least € 50 million per year. The intra-company transfer rule is applicable to labor migrants who occupy a top-level managerial position and earn a salary of at least € 4,752.00 (excluding holiday allowances) gross per month. Please note that housing and/or car allowance will not to be included by UWV.

Please also note that the salary criteria of € 4,752.00 does not apply to labor migrants who occupy a position for which the transfer of knowledge is clearly important (because of their specific knowledge and experience), and who have a university or college degree. However, in that case the work permit may only be issued for a maximum period of one year and cannot be extended afterwards.

Although the labor migrant concerned may be hired specifically for a position in the Netherlands, it is required that he is already employed with the group of companies at the time of the application for the work permit in order to qualify for the intra-company transfer rule. There is however no minimum required employment duration with the group of companies mentioned in the intra-company transfer rule.

Starting, changing or expanding business activities

A work permit may also be issued without the strict requirements which normally apply in the case that a company is starting, changing or expanding business activities in the Netherlands. To qualify for the simplified work permit process, a business plan must be submitted, which must be prepared by an authorized expert, and must clearly show that the activities of the business are viable enough. An authorized expert may be a registered accountant (RA or AA).

Internal transfer procedure: work permits for partners

If the labor migrant employed by an international group of companies has been granted a work permit concerning a transfer within that international group of companies, the employer of his partner or spouse can also be granted a work permit without the general strict requirements. In that situation, there are no specific requirements or restrictions with regard to the kind of work, salary, or other employment conditions. However, the intended employer of the partner/spouse is still required to apply for a work

permit. The work permit for the partner/spouse will be granted for the same period as the work permit of the labor migrant.

Trainees of an international group

Finally, the intra-company transfer rule is also applicable to labor migrants who perform work as trainees within the company but only if:

- the trainee has an university degree;
- a trainee program is submitted, proving the necessity to work in the Netherlands;
- gross salary per month is at least € 3,484.00 (excl. holiday allowances)
- the period of employment as a trainee will be for a maximum of three years.

Trainees and students on work internships

A company may also employ so-called trainees ("praktikanten") or students on a work internship ("stagiaires"). A trainee is a labor migrant who comes to the Netherlands (for a maximum period of 24 weeks) to gain work experience for his future job in his country of origin. A student on a work internship is a foreign national who for a limited period (a maximum of one year) works in the Netherlands for a company as part of his training/education in his country of origin.

The employer must apply for a work permit for the trainee or student concerned, but the work permit may be also issued without all the strict requirements which normally apply (see above regarding making efforts to recruit personnel), but only if:

the trainee

- has already had an adequate professional training;
- submits an agreement between a company established abroad and a company established in the Netherlands, stating the trainee will gain work experience by means of training in the Dutch company.

the student on a work internship

- has already had an adequate professional training in his country of origin;
- can submit a document from his educational institution stating that the internship is a necessary part of his education;
- receives an intern allowance of at least 50% of the applicable minimum wage.

Where to apply and what it costs

Immigratie- en Naturalisatiedienst
Directie Regulier Verblijf en Nederlanderschap
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