

What official documents do I really need? 06/04/2006 00:00



Immigration lawyer Patrick Rovers reviews important changes in the official paperwork EU expats can apply for to prove they are legal residents in the Netherlands.



According to your information you have UK passports and jobs in the Netherlands. I assume the aforementioned passports are valid, you earn decent wages, are properly health insured and pose no threat to the Dutch society. Your Dutch employer is not required to arrange for work permits due to your nationalities. Technically speaking you do not have to apply for any kind of Dutch residence document because you are allowed residency in the Netherlands under the EU treaty.

That treaty allows EU/EER citizens to reside in the Netherlands vis-à-vis the following purposes of stay: work, study and internship, economically non-active, and residence as a family member of an EU/EER citizen. However, I always recommend to my EU clients to apply for so-called proof of lawful residence because there are certain significant perks. Proof of lawful residence is quite easy to obtain, the costs are low, and it is a valid Dutch ID card. It will prove that you are legal to reside in the Netherlands, and it comes in handy when you have official dealings with local government, banks, Dutch government officials and so on.

All residents in the Netherlands are obliged to carry valid ID and the proof of residence is acceptable.

Following the implementation of an EU directive, the situation is about to change. As of 1 May 2006 citizens of Belgium, Cyprus, Denmark, Germany, Finland, France, Greece, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Norway, Austria, Portugal, Spain, the UK, Switzerland, and Sweden, who intend to stay in the Netherlands for more than three months, should officially register with the Dutch immigration service (IND).

It is free for people from the countries listed above. If ever there is a question about your status in the Netherlands, you will have the evidence. The police, immigration service, banks etc will see straight away that you are a legal resident.

To register with the IND, citizens of these countries will have to substantiate their purpose of stay. For instance, if an UK national is here for employment, he or she is required to present to the IND an employer's declaration. Once registered by the IND, a special sticker will be placed in the passport of the citizen. This sticker will remain valid as long as the citizen resides in the Netherlands and meets the conditions under the EU treaty. Before the IND allows for registration, the citizen is required to first register with the GBA at the local Dutch municipality in which he or she lives.

What happens if you already have a Dutch residence document and have one of the aforementioned nationalities?

If you have resided in the Netherlands for less than five years, your current Dutch residence document will remain valid. Four weeks before your Dutch residence document expires, you are allowed to make an appointment with IND for registration, and a sticker will be placed in your passport.

If and when you have resided in the Netherlands for more than five years and have one of the aforementioned nationalities, your Dutch residence document will remain valid. If you have legally resided in the Netherlands for more than five years, starting from 1 May 2006 it is possible to obtain a document lasting residency for citizens of the Union (duurzaam verblijf burgers van de Unie). The cost of this document is EUR 30.

The situation for citizens of Poland, Estonia, Latvia, Hungary, Lithuania, Czech Republic, Slovenia and Slovakia remains as it is. As long as these citizens are not allowed unrestricted access to the Dutch labour market, they are required to apply for proof of lawful residency.

On 31 March, the Dutch government decided that the Dutch general work permit requirements will stay in force until 1 January 2007 in regard to citizens of Poland, Estonia, Latvia, Hungary, Lithuania, Czech Republic, Slovenia, and Slovakia. If and when a Dutch employer wants to employ a Polish/Estonian etc. national in 2006, that employer is still required to arrange a Dutch work permit.

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This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch and European rules and regulations regarding foreigners, policies, procedures, work permits, visas, residence permits etc. are continuously subject to change.