

## Is my work permit valid if I'm laid off?

*We have been debating in my office about the existence a recent ruling that enables expats, who are laid off, three months to find a new job, using their existing work permit. I know that work permits are not portable in principle, but apparently some people believe that under this ruling the new hiring company can just 'sign over' the old work permit so that it applies to the new company. Is this true?*

I contacted an Employment Office official and was informed that there is no such ruling.

There may be a mix up with another situation, involving involuntary lay off and consecutive work permits, as I described in a previous column,

The consequences of an involuntary lay off from a work and residence point of view are pretty straightforward: If an expatriate loses his or her job and becomes unemployed *involuntarily* during the validity period of the underlying work permit, and the expatriate holds a valid Dutch residence permit, there are some possibilities one should take into consideration.

The expatriate's prospective employer in the Netherlands still has to arrange for a work permit (this is compulsory for non-EU employees), but the application procedure itself is simplified.

For instance, the future employer is not required to submit evidence of placed advertisements in Dutch newspapers or magazines. Furthermore, the prospective employer is exempt from listing with the local Employment Office and EURES, before applying for the work permit. This saves on time, energy and money, and makes the work permit application fairly easy.

But note that the new work permit will be granted for the same validity term as the expat's residence permit, and only if the expatriate was listed as unemployed with the local Employment Office.

An expats' residence permit is usually based on work. An *unemployed* expatriate is therefore at risk with regard to continued residency in the Netherlands.

In general, Aliens Police should be informed on any change in the expat's (work) situation. Loosing your job can be considered as a significant change, and should be reported to the Aliens Police.



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In practice, not many expatriates bother to follow up on this. Yet, Aliens Police will find out about the unemployment at the next extension request for a Dutch residence permit, since proof of the actual employment relationship (such as recent payment slips and a statement by the employer) has to be submitted.

Please bear in mind that unemployment is usually no grounds for *revoking* a regular residence permit, as long as the unemployment is involuntary ('geen verwijtbare werkloosheid'). Unemployment may pose a problem with regard to the extension request, because the expatriate has to prove that he or she has sufficient financial means ('voldoende middelen van bestaan'). This is usually not the case if the expatriate is collecting Dutch benefits and is making use of Dutch public funds. A foreign person, who no longer has a legal basis for residency in the Netherlands, is expected to leave the country within four weeks.

*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 rules and regulations regarding foreigners, work permits, visas, and residence permits are continuously subject to change.*

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