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Getting the knowledge

I saw an article in one of the Dutch papers.

Something about the Dutch government and the EU working on a new set of rules and regulations regarding foreign employees. Workers in the knowledge-based economy would receive a special treatment? I am from Sri Lanka and work as an IT consultant in Utrecht. What may I expect in the months or years to come?



It is correct that certain policy changes are being discussed within the Dutch government and far beyond the government buildings in The Hague. I'm not sure how these will influence your Dutch residency in the near future. Much is still uncertain. In this column I will inform you of the most recent developments in the Netherlands and the European Union.

On 7 February 2003, the Dutch Minister for Immigration Affairs and Integration (Minister voor Vreemdelingenzaken en Integratie) sent a notice to Parliament (Tweede Kamer) concerning the residency position of foreign IT workers and related access procedures.

This notice was drafted by an interdepartmental committee, established by the Dutch Department of Justice. The Dutch government seems to be fully aware of the genuine importance of foreign knowledge (kennis) workers, to the Dutch economy. To facilitate entry of these workers to the Netherlands, improve regulations concerning temporary labour migration, and simplify the different access procedures, the following measures are/will be undertaken or implemented:

- The employment-based residence permit (linked to the validity term of the underlying work permit) will be regarded as a temporary right of residence. After the expatriate becomes 'work permit free' (usually after three years), a non-temporary right of residence can be applied for;
- Concerning independent scientific researchers and scholars, a new category of residence permits will be created;
- During the application procedure for an MVV (a special kind of entry visa), the applicant is in certain cases allowed to travel to the Netherlands on a short-term visa, as far as this does not frustrate or jeopardize the MVV-requirement as such;
- Following the approval of the MVV application, a combined D+C visa will be issued which enables the expatriate to bridge the waiting

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period between entry of the Netherlands and the actual issuance of the residence permit;

- The expatriate can apply for a SOFI number directly following the registration as a local resident at the local municipality and the application for a residence permit;
- MVV applications for family members of expatriates (regular employment based) will be accepted by the '*IND arbeidsloket*', or '*IND Bureau verkort*' if these applications were applied for simultaneous to the expatriates' initial MVV application;
- Full review of the current policy regarding mandatory legalisation and verification of official foreign documents (e.g. birth certificates, marriages licenses etc.) in order to improve handling times;
- Dutch consulates abroad will improve on accessibility;

Information on Dutch work & residence permits and visa will be drawn up in English;

- Further studies will be conducted into combining Dutch work and residence permits;
- Further studies will be conducted into the desirability of a five-year work permit (instead of the current three-year work permit).

Also, on things are about to change on the European level. In November 2002, the Council for Competitive Ability called on the individual EU member states and on the European Commission to facilitate the access and residence possibilities for certain researchers from outside the EU. The European Commission is expected to shed its light on this matter in the second half of this year.

Furthermore, the EU is currently staging talks with the World Trade Organisation (WTO) about reduction of restrictions regarding international services. The WTO countries will be negotiating about free trade of services such as financial, IT, telecommunication, legal, etc.

An important topic in these negotiations will be opening up the borders to specialised employees from abroad. Free trade of services is not possible if official requirements (e.g. visa) make it impossible for a specialist to enter a certain country.

Some EU member states fear the competition of cheap foreign labour. To counter this competition, the EU has decided that European rules concerning minimum wages, labour conditions and collective labour agreements should be fully applicable to foreign employees.

The EU has furthermore proposed to the WTO that certain foreign specialists may be allowed to work in the European Union for a maximum of six months a year. Certain quota will be imposed. Individual EU member states will no longer be allowed to refuse permits to non-EU specialists based on the availability of EU specialists within the realm of the European

Union.

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, government or EU policy, work permits, visas and residence permits are continuously subject to change.

May 2, 2003

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[Patrick Rovers and Hans van Velzen](#)

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