

How will the new government affect immigration rules? 22/07/2003 00:00

In the summer of 2001, I started writing legal columns for Expatica. Besides contributing regular columns to this site, our office answers questions from Expatica readers concerning their residency, visas and work permit related problems. In the last thirteen months, we've answered hundreds of e-mails from Expatica readers worldwide, and wrote approximately twenty columns. A lot has changed in the past year, both economically and politically. This time no regular legal column but some food for thought in these more turbulent times.

The Netherlands witnessed a political earthquake following the elections in May of this year. As a result, a majority coalition of the Christian Democrat Appeal (CDA), Volkspartij voor Vrijheid en Democratie (VVD) and the Lijst Pim Fortuyn (LPF) came to power in July. The election campaigns of all major political parties were in some way related to immigration issues. What is to be expected of the new CDA/VVD/LPF government in the years to come?

The former Dutch government (the 'purple' coalition of PvdA/VVD/D'66) was quite aware of the needs of expatriates and their families, and introduced regulations easing the access to work permits for spouses and partners of certain expatriates.

Also, a shortened MVV application procedure for Dutch employers was implemented, a fast track procedure for foreign knowledge workers was introduced and work permit requirements for IT workers were relaxed.

Yet, many serious problems remained, such as the backlogs in residence permit processing, the complicated and time-consuming MVV applications, and most of all, a lack of an overall policy concerning expatriates.

Immigration plans under the new coalition are still uncertain, but according to its policy statement, mandatory naturalisation courses will continue and immigrants, particularly foreign partners of Dutch nationals or residents, will have to pay EUR 3,300 in fees up front.

This Lower House of Parliament decision — made shortly before the election, and thus can be over turned by the new government — ruled that the money would be refunded upon the successful completion of the course.

The new coalition is also strengthening the parliament's stance on new arrivals and wants Dutch nationals, who desire to live with a foreign partner, to be aged 21 years or older and earn 30 percent more than the average national minimum wage of EUR 1231 gross, per month. The present regulations call for nationals to be 18-years-old and earn at least the minimum wage.

Besides these policy areas, however, the agenda of the Department of Social Affairs and Labour, the unit responsible for aliens and labour, is still uncertain. The new minister, Mr. De Geus, is a member of the conservative CDA party.

His deputy minister, Mr. Rutte, is a member of a more liberal wing of the VVD, a libertarian party. Both should be aware of the positive influence expatriates have on international trade and investment, and the transfer of knowledge that in turn sustains Dutch economic growth.

The new minister of justice, Mr. Donner, is a member of the CDA. The minister of aliens policy and integration (a new government position), Mr. Nawijn, belongs to the LPF. He was a former head of the Immigratie & Naturalisatiedienst (IND). Both ministers are in some way responsible for the Aliens Act, the Aliens Police, and the IND.

The LPF seems to have clear-cut — and right wing — views on aliens and several related matters.

The CDA has committed itself to law and order and a no nonsense approach. But it is unclear what the effect of these views will be on the position of expatriates and their families in the Netherlands, and aliens policy in general.

And then there is the recession. The Dutch economic growth for this year will be minimal. As a result, the contracts of certain expatriates have already terminated, and unemployment figures are on the rise. Large Benelux bankruptcies such as KPNQwest and Sabena have only contributed to this gloomy picture.

But the Dutch and European markets are still sound and offer interesting prospects for further development and growth. The Dutch labour market will recover, and the input of experienced expatriates will again be highly sought after.

Tempus edax rerum, Ovidius wrote in *Metamorphosen*. I wish you all a wonderful remainder of the summer and hope to contribute to *Expatica* in the manner you are used to.

Patrick Rovers, 13 August 2002

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 aliens, work permits, and residence permits/MVVs are continuously subject to change.