

What are the permit rules for expat spouses? 22/07/2003 00:00

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"My wife intends to join me during part of my three-year assignment with my company's subsidiary in Amsterdam. Will she require a separate residence permit? And what about working? I understand there is a special arrangement for spouses of inter-company transferees? We both have Australian nationality."

A recent HR survey shows that the spouse or partner of the expatriate has a growing say in whether or not the assignment abroad is accepted.

Nowadays, if there are no genuine possibilities — work and residence wise — for the spouse/partner, the intended expatriation is most likely to go down the drain. Luckily, Dutch labour and residency regulations offer some interesting opportunities for certain categories of expatriate' spouses and partners.

If your wife intends to join you for more than three months, she will require a separate Dutch residence permit. Officially, she must apply for one within three days after her arrival. Application is only possible with the competent Aliens Police. In her case that would be with the Aliens Police in Amsterdam, as your Dutch place of residence. The Aliens Police may check (among other things) the legal validity of your marriage, the suitability of your Dutch living quarters and if you have the financial means to provide for her.

I understand your employer has promptly secured an 'inter-company transfer' work permit for your activities in the Netherlands. The prospective employer of your wife will also need a work permit for her activities as an Australian employee of a Dutch company. And this employer is in luck. Work permit application procedures for spouses/partners of inter-company transferees assigned to the Netherlands, are simplified considerably.

Firstly, the prospective employer is exempted from the statutory obligation to file a job opening with the local Employment Office. Normally, when intending to employ a non-EU person, the prospective employer must file the job opening (at his or her company) for a period of at least five weeks, before applying for a work permit.

Secondly, the employer is not required to advertise the job opening in a Dutch newspaper or specialised magazine, before applying for a work permit. Skipping both the compulsory listing and advertising means less paperwork and costs for the prospective employer and, in an ideal situation, a shorter application procedure.

Please note that your wife's work permit will have the same validity as your 'inter-company transfer' work permit. If you were not tied to an inter-company transfer, and your employer had secured a regular work permit, the situation would be quite different. Your wife's prospective employer would then not be eligible for aforementioned exemptions and regular application requirements would be applicable.

You have the Australian nationality. If your wife was the partner of, or had married a Dutchman or a person with EU nationality (legally working/living in the Netherlands), she would not fall under the work permit requirement at all. She would be eligible for a residence permit with a special annotation on the backside, stating that working without a work permit is allowed. She could then pursue every job opportunity without having to hassle a prospective employer on the work permit requirement.

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, benefits, visas and residence permits are continuously subject to change.

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