

## **How do I get an MVV - fast? 22/07/2003 00:00**

### **How do I get an MVV - fast?**

*'I'm an ICT specialist from India and work for a software company in Utrecht. My wife and children want to join me as soon as possible. They require MVVs and I was told that they might be eligible for the accelerated MVV procedure. What are the implications of this procedure, and what are my options?'*

Last month, one of the leading Dutch newspapers, NRC Handelsblad, ran an article under the title "A wall of documents". The article describes in some detail the agonising and time consuming procedure certain foreign employees and their families have to go through before they are finally accepted into the Netherlands.

Currently, a group of 20 multinationals (including Akzo Nobel, Shell, Philips, Unilever and Heineken) is actively lobbying the Dutch government for special treatment for their highly qualified economic migrants from outside the EU.

The group claims that Dutch economic development and Dutch competitive strength are under threat if the entry procedures remain as they are today. They have asked for a kind of premium processing procedure handled by one counter, specialised in work and residence related issues. It is reported that a civil servant committee will advise the Dutch government this month regarding this matter. Favourable developments are expected (fingers crossed.)

In most cases, EU citizens and citizens of Australia, Canada, Iceland, Japan, Monaco, New Zealand, Norway, Switzerland and the United States are not required to have the special entry visa, known as MVV (*Machtiging Voorlopig Verblijf*).

All other nationalities require an MVV before their residence permit applications in the Netherlands are even considered for processing.

Last year, approximately 44,000 MVV applications were lodged. In 2000, the total figure was 48,049. The application is usually filed at the Dutch embassies or consulates in the applicant's country of origin.

In certain cases, it is allowed to lodge the MVV application in the Netherlands. Besides the regular procedure, the Immigration and Naturalisation Service (IND) introduced last year the so-called accelerated MVV procedure.

Whether or not this accelerated MVV procedure is an option depends on the following.

First of all, the Dutch employer has to have a special arrangement with the IND. The arrangement is designed for employers that frequently request MVVs for their foreign employees. The accelerated MVV procedure will take a few weeks, whereas a regular MVV application may take several months.

The Dutch employer has to sign a special agreement with the IND and certain strict conditions apply. In the year preceding year the date the employer is admitted into the accelerated MVV program, the employer is required to have filed a minimum of 10 MVV applications, which were subsequently approved by the IND and the Dutch diplomatic post abroad.

Each following year, the employer must file a minimum of 10 (successful) MVV applications. The employer has to complete and sign an information document and a *garantverklaring* (guarantor's declaration). Besides that, a registration of the employer with the local chamber of commerce is needed and its management may be requested to submit evidence that the company is financially sound and viable.

In general, family members are not eligible for the accelerated MVV procedure - but, luckily, there are some exceptions. Several Dutch sectors face a continued lack of qualified professionals. Therefore, certain jobs or job categories are temporarily exempted from the regular labour and residence rules and regulations.

A good example is the Information and Communication Technology (ICT) sector. Family members of foreign ICT employees are therefore eligible for the accelerated MVV procedure. The MVV applications for the employee and his/her partner and/or children (under 18) need to be filed simultaneously.

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

April 2002

*Patrick R. Rovers, Lawyer with Van Velzen CS,*