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Renewing a Dutch work permit

'My employer is giving me a hard time about extending my work permit. The Dutch immigration authorities have informed me that a new work permit is required but my employer is not impressed and is not too helpful in this matter. I am an engineer from the Ukraine and moved to this country in May 2002 together with my wife and children. My current work permit will expire in approximately four weeks. Where can I apply for a new work permit? What are the legal obligations on my employer? Please help me to understand the Dutch work permit scheme.'

Applying for a Dutch work permit is the prerogative of your Dutch employer. In other words, as the employee, you can not apply for a work permit. Note that the Dutch [Central Employment Office](#) (CWI) issues the work permit directly to the employer in the Netherlands. It is therefore your employers' work permit and not your work permit.

You came to the Netherlands in May 2002. That means that the first work permit was probably issued for a period of two years, ending in May 2004. Your employer should therefore apply for a new work permit as soon as possible.

The CWI usually processes a regular work permit application within five weeks, so the sooner the work permit application is lodged, the better. Make sure your employer meets all the relevant conditions, before the work permit application is sent to the CWI. That will avoid unnecessary delays and disappointments.

You have mentioned that the Dutch immigration authorities have informed you that a new work permit is required. I take it that this has to do with your extension request for a Dutch residence permit?

You have been in the Netherlands for about two years. You and your family members are therefore not yet eligible for a residence permit with the annotation 'Arbeid vrij toegestaan. TWV niet vereist' (roughly translated: work permit not required).

As a result, you need to submit a photocopy of a new work permit to the Dutch immigration

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authorities (Immigratie- en Naturalisatiedienst or IND). Without proof of a new work permit, the IND will not issued you and your family members the new (employment/family) based residence permits.

Please note that the validity term of the new work permit is very important. For instance, if the CWI office issues a 10-month work permit to your employer, the Dutch immigration authorities will in turn issue you residence permits with the same end date as the underlying work permit.

Your employer is under a legal obligation to arrange for a valid work permit if and when your employer wants to continue to employ you in the Netherlands on a legal basis. Without such a work permit in place, your employer can be fined considerably, and in certain extreme cases even a prison sentence of up to one year is possible.

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

14 April, 2004

Patrick R. Rovers,
lawyer with Van Velzen CS

[Patrick Rovers and Hans van Velzen](#)



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