

New EU nationals: what are your rights? 09/07/2008 00:00



The Dutch government is gradually opening its borders to workers from the new EU member states, but what rights do they already have and who can enter the country for work purposes?

I want to learn more about my rights in the Netherlands. I have a Polish passport and hear all sorts of stories about working and living in the Netherlands. As a qualified telecommunications engineer, do I need a work permit? How about a residence permit?

Patrick Rovers answers

You cannot personally obtain a Dutch work permit. That is the so-called 'prerogative' of Dutch employers. In other words: only a prospective Dutch employer may arrange a Dutch work permit.

The work permit will state the name of the foreign national who will be working for the Dutch employer.

Eased work permit laws

A while ago, the Dutch government decided to gradually open up the Dutch labour market to citizens of Poland, Estonia, Latvia, Hungary, Lithuania, Czech Republic, Slovenia, and Slovakia.

According to the treaties that were signed with these eight nations, the old EU member states are entitled to place entry limitations on their respective labour markets until 1 May 2011.

For now, the Dutch government has decided to maintain the mandatory Dutch work permit requirement for employees from Poland, Estonia, Latvia, Hungary, Lithuania, Czech Republic, Slovenia, and Slovakia, potentially until 1 May 2009.

However, for certain sections of the Dutch labour market, the application conditions for a work permit (and its underlying procedure) have been relaxed.

This involves industries such as agriculture, wholesale trade in woods/sawmills/wood preparation, metal industry, metallurgical and technical branches, bakeries, retail and trade, wholesale, inward shipping, the hotel and catering industry, telecommunications and provinces and local governments.

Employers in these sections are no longer required to register job openings with the local employment offices, nor are they required to invest in recruitment offers.

Residence permits

Technically speaking, an EU citizen is not required to apply for any kind of Dutch residence document because an EU citizen is automatically granted residency in the Netherlands under the EU treaty.

The treaty allows EU citizens to reside in the Netherlands for work, studies and internships, on an economically non-active status or as a family member of an EU citizen.

However, I recommend applying for 'proof of lawful residence' because there are certain advantages.

Proof of lawful residence is easy to obtain, the costs are low and it is a valid Dutch ID card. It will prove that you are legally allowed to live in the Netherlands and it's very useful when you have official dealings with (local) government representatives, banks, police officials and so on.

Crackdown on fraud

In the eastern province of Gelderland, six municipalities (Nijmegen, Arnhem, Doetinchem, Wageningen, Apeldoorn and Ede) and representatives of the Labour Inspectorate (Arbeidsinspectie), tax office (Belastingdienst), foreign police (Vreemdelingenpolitie) and the regional police have set up a temporary fraud team.

That team is especially designed to hunt down illegal employees, tax and social contribution evasion, human trafficking, social benefits fraud and illegal housing.

The project is aimed at the retail and trade industries in Gelderland and local employers and employees will be thoroughly checked for a period of six months.

Registering with the IND

Note that as a Polish national you are not entitled to officially register with the Dutch immigration service, the IND.

As of 1 May 2006, a simplified procedure was introduced for citizens of Belgium, Cyprus, Denmark, Germany, Finland, France, Greece, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Norway, Austria, Portugal, Spain, the UK, Switzerland and Sweden.

The new procedure allows them to officially register with the IND if they have the intention to stay in the Netherlands for more than three months.

But citizens of Poland, Estonia, Latvia, Hungary, Lithuania, Czech Republic, Slovenia and Slovakia are not able to register with the IND.

These citizens can only apply for proof of lawful residence, as long as they are not allowed unrestricted access to the Dutch labour market.

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.

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