

Can the IND handle the new knowledge permit? 12/10/2004 00:00



Attitudes to expats are changing slowly, but you are not in from the cold yet. Our expert looks at the new residence permit for knowledge workers and warns the fine print has yet to be written.

ASK THE EXPERTS

Dutch Minister of Economic Affairs Laurens Jan Brinkhorst stated recently that the Dutch Cabinet would implement the new knowledge worker residence permit for people earning EUR 45,000 plus on 1 October 2004.

That date has come and gone, but I am not sure what the minister means. Some members of Parliament, or Tweede Kamer, are still not too happy with this new residence permit category and might raise some new objections.

Furthermore, there is still uncertainty about the content of the standard agreements the employer of the prospective knowledge worker will have to sign before the Immigration and Naturalisation Service (IND) approves an individual knowledge worker residence permit application.

The IND seems to be working on this issue and my fear is that the employer will have to offer certain specific guarantees. It may well be that the employer will get much more than he/she bargained for. I also have serious doubts about the ability of the IND to handle a new category, although we are in the second week of October. The IND is still facing huge delays regarding the regular residence permit applications and the regular extension requests as most of you are well aware of.

Brinkhorst also stated that according to him in future the Netherlands should implement a 'green card' system, similar to the one the US introduced last century. This should make it easier for certain expatriates to come to the Netherlands for employment purposes.

The minister mentioned that such a system would focus entry requirements firmly on the expat's profession and the labour needs of Dutch industry sectors. He said the main advantage of the green card system would be to increase competition in the domestic labour market.

I wonder if Brinkhorst is aware of the fact that the American green card is a legal permanent resident document, and that the US has an elaborate immigration policy in which the green card plays a specific role. The Netherlands however has no immigration policy.

The Dutch legal system regarding foreigners is focussed on temporary residence permits and even the so-called permanent residence permit is only valid for five years.

Introducing a green card system in the Netherlands without thinking about the possible side effects, may have unexpected consequences. Instead of firing political blanks, Brinkhorst should first study the American system more closely, then examine the current Dutch system and its underlying policies, and then come up with a well-defined and productive plan.

More food for thought

Ministry of Social Affairs Aart-Jan de Geus recently released a statement with regard to the 'Arbeidsinspectie'. This service is responsible for work permit checks at the workplace and intends to increase the number of unannounced visits to Dutch employers to 11, 000 in 2006.

The Ministry of Justice, responsible for the IND, also published its annual budget. With regards to foreigners the Ministry of Justice expects expenditures of EUR 920 million and revenues of EUR 130 million. Now you know where your residence permit fees, or leges, are going!

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