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EU expansion: Who needs a work permit now?

I am an experienced business consultant from Cyprus. This year, Cyprus is scheduled to join the European Union. In your last column you mentioned something about 22,000 work permits for new EU member state nationals. Is that still on? What are my chances on the Dutch labor market?



In my last column dated 3 February 2004, I informed the Expatica readers on the Dutch government's decision to issue a maximum of 22,000 work permits (over the period May 2004 - May 2005) to nationals from new EU member states. A lot has happened since then...

ASK THE EXPERTS

The Tweede Kamer, the Dutch House of Representatives, was not too happy with the 22,000 work permits the Dutch government had in mind. A majority within the Tweede Kamer, consisting of the political parties CDA, VVD, SP and LPF, feared that the arrival of employees from the new EU member states would take away jobs from Dutch nationals.

The unfavorable economic situation and high unemployment rate must have fuelled already existing anxieties about potential disruption that these newcomers could inflict on the weakened Dutch labor market.

So, the Dutch government backed down, reconsidered its options, and came up with a cunning plan. To May 2006, the regular work permit rules and regulations will be enforced with regard to occupations and sectors within the Dutch economy where ousting (verdringing) is imminent.

Effectively this means that from May 2004 till May 2006, prospective Dutch employers of the nationals of Poland, Estonia, Latvia, Hungary, Lithuania, the Czech Republic, Slovenia, and Slovakia, are required to arrange for regular work permits.

In order to become eligible for such a work permit, the respective employer will have to (amongst other things) register the job opening with the competent authorities, place advertisements in Dutch newspapers and/or specialized magazines, and/or enlist the services of headhunters or

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The prospective employer will have to do his/her ad most to find a suitable Dutch/current EU candidate for the job. If and when such a candidate can not be located, and the Central Employment Office is satisfied with the prospective employers' recruitment efforts, a Dutch work permit may be issued.

With regard to occupations and sectors within the Dutch economy where there is a definite shortage of Dutch/current EU employees, the Central Employment Office may waive the mandatory recruitment efforts and registration requirements, thus offering an easy access to a Dutch work permit.

However, the Central Employment Office will only issue such a work permit if the actual employment of the national of one of the new EU member states is consistent with Dutch labor conditions and circumstances. In certain cases the Central Employment Office will also check out the specific housing arrangements.

Please note that no work permit restrictions are applicable to nationals of Malta and Cyprus from May 1, 2004. The treaties between the European Union and these two island states do not allow the existing EU countries to protect their labor markets. This means that nationals from Malta and Cyprus can freely enter the Dutch labor market from 1 May 2004.

In my last column I mentioned the Dutch governments recent decision to issue residence permits to 2,334 foreigners, mostly asylum seekers, and expel approximately 26,000 asylum seekers, currently living in the Netherlands and whose asylum applications have been turned down.

Rita Verdonk, the Minister for Vreemdelingenzaken en Integratie (Immigration and Integration), was heavily criticized in the Dutch press, but after a lengthy debate in the Tweede Kamer, the majority of the political parties okayed the governments' decision. More information can be found on www.ind.nl.

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 March, 2004

Patrick R. Rovers,
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