

## **Here to stay 29/07/2003 00:00**

### **Patrick Rovers explains how to establish long-term residency, naturalisation and receive a Dutch passport.**

Certain expatriates have made the Netherlands their home away from home. And a few of them may even think of settling down in the Lowlands forever.

Here are the various steps to establishing long-term residency.

#### **Work and residence**

Most expatriates are here for work related purposes and, in general, their employers have obtained the necessary work permits. A regular work permit can be valid for a maximum period of three years.

A residence permit is usually linked to a work permit. A regular residence permit for non-EU/EER nationals is valid for one year. This permit is renewable for one-year periods at a time, if all conditions are met.

Always make sure that your application for renewal with the Aliens Police is done in time. If you fail to do so, you may have to start the application procedure all over again. This could mean getting an MVV in the country your origin before being allowed to (re-) apply for a residence permit in the Netherlands.

#### **After three years**

After three years of employment in the Netherlands the work permit your employer obtained has reached its maximum validity, and no new work permit will be issued.

You may then apply for a residence permit with the annotation “Arbeid is vrij toegestaan. Een tewerkstellingsvergunning is hiervoor niet vereist”, which means the equivalent of 'Working without a work permit is allowed'.

#### **After five years**

After having legally worked and lived in the Netherlands for a five-year period, you can apply for naturalisation. This means that after positive adjudication you will receive the Dutch nationality and may subsequently apply for a Dutch passport.

If you are the partner or spouse of a Dutch person you may apply for naturalisation after three years of living together or after three years of marriage. Some refugees may apply after four years of residence.

The Immigratie & Naturalisatie Dienst (IND) and Afdeling Burgerzaken (part of the municipality) are the responsible Dutch organisations in naturalisation matters. At the

request of Afdeling Burgerzaken, the IND will check if you are suitable for naturalisation, in light of the rules and regulations laid down in the Rijkswet op het Nederlanderschap and the Vreemdelingenwet (Aliens Law).

Some general rules and regulations regarding naturalisation:

You will have to pay a fee (leges) for the naturalisation application procedure;

- You must be over 18 years old;
- You must have resided legally in the Netherlands for a five year period (three years if you have married a Dutch person or lived together with a Dutch person for that period of time);
- You must be able to speak and understand Dutch and be a part of the Dutch society (inburgering);
- You must have a 'clean bill of health', meaning no criminal record related to the four years preceding the naturalisation application procedure;
- In some cases you must be willing to give up his old nationality (if that is possible under the law of the expatriates' country of origin). Sometimes dual nationality is possible.

You must apply for naturalisation with Afdeling Burgerzaken of the municipality where you reside. After a positive ruling from the IND (see above) the application will be presented to the Queen of the Netherlands. With her signature and the signature of the Secretary of Justice, the naturalisation is finalised.

### **An alternative**

There is also the possibility of applying for a 'vergunning voor onbepaalde tijd regulier'. This is a Dutch residence permit for an "indefinite" period.

You may apply for such a permit with the Aliens Police after having resided (legally) in the Netherlands for a five-year period. In general, this permit is valid for a five-year period and is renewable if all conditions are met.

This permit has nothing to do with your nationality — you nationality will remain unchanged.

To obtain this permit, it is important that you can prove that you have a durable source of income in the Netherlands. Steady employment or having a viable going enterprise should do the trick.

### **In closing**

If you intend to stick to the Netherlands for a long period of time, you have several options. Naturalisation is the way to obtain a Dutch passport. Getting a "vergunning voor onbepaalde tijd regulier" offers an alternative route. In both cases you will have to prove

that you have resided (legally) in the Netherlands for a five-year period (in some cases shorter periods will do), besides other requirements and conditions.

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*This article 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.*

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