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Knowledge economy permits

I'm an engineer from Croatia and was told the Dutch government wants to introduce a new five-year permit for knowledge migrants (kennismigranten). Furthermore my employer tells me that Centre for Work and Income (CWI) has issued new rules regarding employment of specific categories of foreigners in the Netherlands. What is true of all this and will my personal situation be affected? Is there no end to the ever-changing Dutch bureaucracy?



B- B- Bingo! Rest assured that there is no end to Dutch bureaucracy as such. With the growing influence of European rules and regulations coming from Brussels and the impact of organisations such as the CWI and Immigration and Naturalisation Service (IND) on Dutch policies regarding foreigners, the total amount of regulations is destined for greatness (to say the least).

Anyway, to answer your second question first. On 1 May 2004 a whole new set of rules and regulations was published in the government gazette (Staatsblad or the Staatscourant) regarding employment of certain categories of foreign employees in the Netherlands.



The law and several related regulations were upgraded and revised and a couple of new rules were implemented in the process. For instance, a new definition of incidental employment was introduced. Regarding certain forms of incidental employment the general work permit requirement is waived. I will dedicate one of my future columns to the aforementioned new rules and regulations.

And now to the main event: the kennismigrant. The Dutch cabinet wants the Dutch economy to have a competitive edge and be attractive to knowledge migrants from abroad. The Dutch cabinet aspires to be a true leader within the European Union in this field.

On the 25 May of this year the Dutch Minister for Vreemdelingenzaken en Integratie Rita Verdonk sent a detailed letter to the Dutch House of Representatives (Tweede Kamer), outlining the points of view of the Dutch government. The main ideas are:

- Easy access to the Dutch labour market for non EU/EER knowledge migrants,
- No work permit requirement for Dutch employers of non EU/EER

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- knowledge migrants,
- Non EU/EER knowledge migrants will be eligible for a specific Dutch residence permit with a five-year validity (max.) and the annotation 'kennismigrant',
- The identity of the non EU/EER knowledge migrant and his/her family will be ascertained solely on the basis of valid passports,
- Setting up of a combined CWI/IND office for prospective employers in the Netherlands of the remaining categories of foreign employees.

What is the definition of a knowledge migrant? According to the Dutch cabinet a knowledge migrant is a migrant who comes to the Netherlands for reasons of employment, making a gross annual salary of EUR 45,000. A gross annual salary of approximately EUR 32,600 is applicable to a knowledge migrant under the age of thirty. There is no salary requirement for foreign Ph.D. candidates to be employed by Dutch educational or research institutes or for post-doc and university teachers under the age of thirty.

It is not yet certain what the House of Representatives will say about the government's ideas. I will keep you informed on future developments.

Also note that new legislation is underway, specifically designed to tackle employers in the Netherlands who fail to adhere to the general work permit requirement. The new law will introduce the possibility of an administrative penalty and also increases the maximum administrative penalty to EUR 67,500 in certain cases. The new rules are designed to clamp down on renegade employers and implementation is expected in January of 2005.

Patrick R. Rovers,
lawyer with Van Velzen CS

6 July 2004

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, policies, procedures, work permits, visas, residence permits etc. are continuously subject to change.

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