

# Q+A Labour migration

## Who may work in the Netherlands?

You don't need a work permit to work in the Netherlands if you have Dutch nationality, or nationality of any country in the European Economic Area (EEA). Those are the countries in the European Union, plus Norway, Iceland and Liechtenstein.

### Free movement of workers exists in the following countries:

- Austria
- Belgium
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Norway
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland
- United Kingdom

### Other countries

People from Croatia, Bulgaria and Romania and all other countries may only work in the Netherlands if:

- they have a residence document that includes the text '*Arbeid is vrij toegestaan*' (work is freely permitted);
- they have a passport with a residence endorsement sticker bearing the text '*Arbeid is vrij toegestaan*';
- an employer has a valid work permit for the foreign nationals in question. The foreign national must have a valid residence permit.

## **Exceptions**

- If you are an employee of a large corporation, a student, PhD student, performing artist or musician, then exceptional conditions apply. For more information, please contact UWV WERKbedrijf (former CWI).
- Special rules apply to asylum seekers and knowledge workers.
- Non-European students who are studying in the Netherlands and who wish to go on a traineeship no longer need a work permit.
- There is a different application procedure for higher-ranking managers, specialists, sports coaches, sportsmen and women, and circus performers.
- There are also special rules for the provision of cross-border services.

## **May asylum seekers work in the Netherlands?**

Asylum seekers may work for 24 weeks in every 52-week period. Asylum seekers who work as performing artists, musicians, film workers, or who carry out technical support work for musicians or performing artists, may work for 14 weeks in every 52-week period. Asylum seekers whose asylum procedure has been running for less than six months, may not work at all. Asylum seekers who are being housed by a local authority and those aged under 18 years may work. If you are under 18 years old, the laws on child labour apply to you.

## **What is the application procedure for a work permit for higher-ranking managers, specialists, sports coaches and sportsmen and sportswomen?**

Employers must apply for a work permit for higher-ranking managers and specialists with a gross salary of 3,900 euros or more, and for sports coaches and sportsmen and sportswomen. However, employers do not have to notify UWV WERKbedrijf (former CWI) of a vacancy five weeks in advance of the application, although they must attempt to recruit from the European Economic Area (EEA). UWV WERKbedrijf checks the application to see whether there is any demand for the vacancy from among the working population of the EEA. The exemption for these professions applies for a period of six months, which can be repeatedly extended.

## **Can knowledge workers start work without a work permit?**

Foreign academics with a grant, visiting lecturers and participants in European Union exchange programmes do not have to apply for a work permit.

Other knowledge workers with an income of more than 49,087 euros (who are older than 30 years) or more than 35,997 euros (who are younger than 30 years) may also work without a

work permit. Examples include ICT, academic research and technology specialists. A condition for this is that the employer signs a declaration or contract with the Immigration and Naturalisation Service (IND). Knowledge employees then only require a residence permit to stay in the Netherlands as a knowledge worker. The salary criterion does not apply to university lecturers and postdocs.

### **People training to become specialists in the Netherlands**

The scheme for knowledge workers also applies to foreign doctors who are training to become specialists – for example GPs, nursing home doctors, or doctors for the mentally impaired - in the Netherlands.

### **Non-European students**

Students from outside the European Union who are studying in the Netherlands and who have to go on a traineeship also do not need a work permit. If students in this category graduate here, they may look for work for one year after the completion of their studies. However, they must support themselves (from their savings or income from work, for example) – they are not entitled to financial assistance from the government. To be considered as a ‘knowledge migrant’, the minimum starting salary that they should be earning after the year following their graduation is 25,000 euros.

### **Spouses of knowledge workers**

Since March 2005, spouses of foreign knowledge workers can get an exemption from having a work permit. This means that they can work in the Netherlands. Partners of knowledge workers lose the right to this exemption if the couple separates within the first three years.

## **What are the rules for leading foreign performing artists who wish to work in the Netherlands?**

For some time now, it has been easier for employers in the acting, theatre, opera, musical, classical music, dance and culture industries to contract leading performing artists from countries for which there is no free movement of workers. Leading artists from these industries are given work permits more quickly, as UWV WERKbedrijf (former CWI) does not have to be notified of vacancies. It is also no longer necessary to investigate whether any unemployed Dutch people are available for the position in question. Salary levels determine who is a ‘leading’ artist. The amounts are adjusted every year and depend on the developments in the collective labour agreements (CAO) in the industries concerned.

## **Do employers have to pay negotiated wages to foreign employees?**

If an employer has obtained a work permit for you, he or she must pay you the collectively negotiated wages (CAO wages), or the going market rate. If you only work for a few days or weeks, the employer is obliged to pay you an amount that is at least equal to the legal minimum wage for a whole month.

## **When do foreign employees have to show their ID at work?**

In certain situations, people in the Netherlands are obliged to show an identity document, as laid down by the Compulsory Identification Act, such as during checks at the workplace by the Labour Inspectorate, the Institute for Employee Benefit Schemes (UWV), the Tax and Customs Administration or the Aliens Department.

### **Identity document when starting work**

Your employer also has a number of obligations set down by the Compulsory Identification Act. When you start work, he or she will ask you for a valid, original identity document and check to see if it is genuine, before making a copy which he or she will keep in the company administration. A driving licence does not count as a valid identity document in this case. This is because it does not contain any information about your nationality or your residency status. You must show your identity document. Your employer is also obliged to ask for your identity document if you work through a temporary employment agency or subcontractor.

### **Carry your identity document with you**

As an employee, you must carry your identity document with you. If there is an inspection, you have to be able to prove your identity. This is also the case if you work through a temporary employment agency or subcontractor. If you cannot give proof of your identity during an inspection, you may need to accompany the investigation service or police while they establish your identity.