

دليل باللغة الإنجليزية حول الاعتراف ككفيل (مؤسسة) في هولندا



تم تحميل هذا الملف من موقع مهاجرون

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روابط مواقع التواصل الاجتماعي في هولندا



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1 [العمل الموسمي في هولندا: شروط الحصول على عقد عمل موسمي لعام 2025 مع روابط التقديم المباشرة](#)

2 [الدليل المفصل لاستئجار سيارة في هولندا](#)

3 [كيفية اختيار شركة تأمين والمواقع الإلكترونية لأهم شركات التأمين](#)

4 [إحازات السوق في هولندا وتعلم قيادة السيارات](#)

5 [أنواع التعليم في هولندا](#)

[للمزيد من المقالات التي تهم المهاجرين في هولندا اضغط هنا](#)



Recognition as sponsor

1. Why have we written this publication?

Do you have an au pair agency or cultural exchange organisation? Does your company regularly recruit employees from countries outside Europe? Would you like to attract foreign students to your high school or university? In order to request a residence permit for au pairs, exchange youngsters, regular students, highly skilled migrants and researchers in the spirit of Directive (EU) 2016/801, your organisation must be recognised as a sponsor by the IND. Employers who bring employees across for regular paid work, seasonal work, work experience, intra corporate transfer or as a holder of a European blue card can opt to be recognised on a voluntary basis.

In order to be recognised as a sponsor, your organisation must undergo an IND procedure. Once you have been recognised as such, your organisation will be listed in a public register on www.ind.nl. A foreign au pair, exchange youngster, student or employee can then easily see that you are a recognised sponsor.

This publication provides information on:

- which advantages correspond to recognition;
- the conditions for recognition;
- how you can apply for recognition;
- which rules you must adhere to;
- where you can obtain further information.

2. Which advantages correspond to recognition?

Recognition is mandatory if you would like to apply for residence permits for au pairs, exchange youngsters, students, highly skilled migrants and researchers in the context of Directive (EU) 2016/801. If you would like to apply for residence permits for employees who regularly carry out paid work or seasonal labour, are engaged in work experience, are transferred within a company or hold a European blue card, you are not obliged to be a recognised sponsor but it is an option. It is up to you to decide whether you would like your organisation to be recognised as a sponsor or not.

Recognition corresponds to various advantages:

- You can use an accelerated admissions procedure. The IND will endeavour to make a decision on an application within 2 weeks. If a work permit is required, this is extended to 7 weeks.
- Is a combined permit for residence and work required? The Immigration and Naturalisation Service (IND) requests advice from the Netherlands Employees Insurance Agency whether the foreign national fulfils the criteria of the Foreign Nationals Employment Act (in Dutch: Wet Arbeid Vreemdelingen or Wav). The IND will endeavour to make a decision on an application within 7 weeks.
- You do not need to provide as much documentary evidence. In many cases, a personal statement will suffice. In this, you indicate that the foreign student, exchange youngster or employee fulfils the conditions for admission and residence in the Netherlands.
- The documents that you have obtained from the student, exchange youngster or employee must be kept in your administration.
- You have access the information line and mailbox for recognised sponsors.

3. For which categories can you request recognition?

Only organisations, institutions and companies can be recognised as sponsors. Individual persons are not recognised as sponsors.

You can apply for recognition for 4 categories:

1. Study: application for residence permits with a study purpose;
2. Exchange: applications for residence permits with an exchange purpose (this includes both au pairs and cultural exchange youngsters);
3. Research: applications for residence permits with the purpose of research in the context of Directive (EU) 2016/801;
4. Labour: applications for residence permits with the purpose of paid work, seasonal labour, work experience, work as a highly skilled migrant, intra corporate transfer or residence as a holder of a European blue card.

4. Which conditions must your organisation fulfil?

In order to become recognised, your organisation must function as a reliable partner for the IND. In addition, organisations must fulfil certain specific conditions in order to be able to apply for residence permits for exchange and study purposes and researchers under Directive (EU) 2016/801. There are no supplementary conditions for applications with the purpose 'labour'.

General Conditions

The following apply to all organisations that wish to be recognised as sponsors:

- the organisation must be registered in the Commercial register, unless this is not required on the grounds of the Company Commercial register act;
- the organisation is not bankrupt. There may be no issues with a payment moratorium;
- the continuity and solvency of the organisation is sufficiently guaranteed. To assess this, the IND may seek advice from the Netherlands Enterprise Agency (RVO);
- the organisation, the directors and other people involved in your organisation must be trustworthy.

Work

If your organization is engaged in providing employees or payrolling, it may be a requirement that your organization is included in the register of the Labor Standards Foundation / Stichting Normering Arbeid (SNA). Whether this condition applies will be looked at during the procedure.

Study

For 'study', the following supplementary conditions apply to recognition:

For universities or high schools

- your institution offers accredited education as intended under article 6.13 of the Higher Education and Scientific Research act;
- your institution is affiliated to the Code of Conduct for international students in higher education; or provides training in the context of The Foreign Office's development cooperation policy or the Act on specific cultural policy.

For schools providing vocational education

- your institution offers education as set out in article 1.2.1 of the Education and Vocational Education Act.

For secondary schools

- your institution offers education as set out in article 1.4 of the Secondary Education Act 2020.

For secondary schools that offer the international baccalaureat qualification

- your institution is accredited by the International Baccalaureat Organisation;
- your institution forms part of an international organisation that exchanges pupils across the world. The country where pupils are placed is determined by the national committees of this international organisation or pupils are placed in a boarding school.

Exchange

For 'exchange', the following supplementary conditions apply to recognition:

- your organisation endeavours to achieve cultural objectives;
- your organisation executes an exchange programme that has been approved by the State Secretary for Justice and Security.

Research in the sense of Directive (EU) 2016/801

For 'research in the sense of Directive (EU) 2016/801', the following supplementary conditions apply to recognition:

- your institution is a public research institution as set out in article 1d, first section, under b, Directive implementing Foreign Nationals Employment Act, and adheres to job profiles under the function family 'research and education' for researchers engaging in paid work;
- your institution is a public research institution and is included in the appendix to the Higher education and scientific research act;
- your institution is a private research institution that is included in the National Academic Research and Collaboration System (Narcis);
- your institution is a private research institution for which an R&D statement has been issued on the basis of the Act on reducing wage tax deductions and premiums for social security.

Refusal

The IND can refuse an application for recognition if the general or additional conditions are not met. This can be the case if for instance:

- the organisation or (legal) persons involved in the organisation have been declared bankrupt 3 times in the past year;
- the organisation has had to pay a fiscal fine for a misdemeanour in the past 4 years;
- the organisation has had 3 or more fines over the past 4 years on the basis of the Aliens Act, Foreign Nationals Employment Act or the Minimum wage and minimum holiday entitlement act;
- the organisation, directors or other persons involved in the organisation have been found guilty of a criminal offence.

5. Which rules must you adhere to?

The foreign national for whom you are applying for a residence permit must fulfil the conditions for a relevant permit. Not only when the application for the residence permit is made but also thereafter. As the sponsor, you must ensure this is the case. As a recognised sponsor, you must also ensure that you continue to fulfil the conditions for recognition.

Every recognised sponsor has a so-called information obligation, administration obligation and duty of care. The obligation to provide information means, for example, that you must inform the IND about changes in your situation that are related to your recognition, or about changes in the foreign national's situation. The administrative obligation places conditions on the information that you record and keep in your administration. In addition, recognised sponsors also have a duty of care. This means that au pairs, exchange youngsters, students or highly skilled migrants must be recruited and selected carefully. You must also keep them updated about admission and residence conditions.

How the information obligation, administration obligation, and duty of care are elaborated varies according to the type of organisation. Below, you can see which obligations apply to which organisations.

Au pair agencies and exchange organisations

If you are an au pair or exchange organisation, you must notify the IND of any relevant changes. For example:

- if the au pair or exchange youngster is placed with another host family;
- if the au pair transfers to another au pair agency or cultural exchange organisation;
- if the exchange youngster engages in other voluntary work;
- if the au pair or exchange youngster goes to work even though this is not permitted;
- if the organisation is no longer able to monitor the au pair or exchange youngster;
- if the au pair or the host family fails to comply with the agreed daily periods or the daily schedule is changed;
- if the au pair or exchange youngster leaves the Netherlands.

Your organisation must collate and record the relevant mandatory information. For example:

- the daily schedule of the au pair with the host family;
- a copy of the au pair or exchange youngster's passport;
- the name and address of the main person in the host family with whom the au pair or exchange youngster is residing;
- the period for which the au pair or exchange youngster is residing with the host family and the composition of the family;
- evidence that shows that the host family has a sufficiently high income.

If your organisation no longer functions as a sponsor for the au pair or exchange youngster, you must still retain the information for 5 years.

As an au pair agency or exchange organisation, you must recruit and select foreign youngsters and au pairs carefully. You must check that the au pair or exchange youngster is willing and able to function as an au pair or follow a cultural exchange programme. You must also provide the au pair or exchange youngster with information about their stay in the Netherlands, the details of the exchange programme and accommodation with the host family. The au pair or exchange youngster must also be informed about his rights and obligations as an au pair or exchange youngster and those of the host family.

Educational establishments

The educational establishment must report any and all relevant details, facts and circumstances to the IND which may impact upon the admission and the (intended) residence of the student in the Netherlands. For example:

- if the student is achieving insufficient progress in the study context;
- if the student is no longer studying full-time at the educational establishment;
- if the student has failed or is failing to turn up at the establishment;
- if the student has stopped his course.

If the student is going to undergo part of the study programme in one or several Member States in the context of intra-EU mobility, you must also notify this to the IND in a timely manner (4 weeks at the latest before the start of the outbound mobility).

As an educational establishment, you are obliged to collate and retain relevant, mandatory information about the student. For example:

- the student's educational progress;
- a copy of the student's passport;
- proof of registration in the student's educational establishment;
- documents that show that the student has sufficient money to reside in the Netherlands;
- the student's most recent residential address.

Even if your educational establishment is no longer functioning as a sponsor for the student, you must still retain the information for 5 years.

The educational establishment must recruit and select foreign students carefully. The establishments must check, in advance, that he is willing and able to engage in the course. The establishment must also inform the student of the conditions which they must fulfil in order to obtain a residence permit and take a course in the Netherlands.

Research establishments

As a research institution, you must report any changes to the IND that could impact upon the scientific researcher's right to reside. For example:

- if the researcher is no longer conducting research for you;
- if the researcher is no longer linked to your institution;
- if the researcher goes back to his country of origin.

If the researcher is going to carry out part of the research programme in one or several Member States within the framework of intra-EU mobility, you must also notify this to the IND in a timely manner (4 weeks at the latest before the start of the outbound mobility).

Even if your research establishment is no longer functioning as the sponsor for the researcher, you must still retain the information for 5 years.

Carrying out paid work

As an employer, you are obliged to report any employee who has to undergo a civic integration programme and who is carrying out work for a religious or philosophical organisation, to the Executive Agency for Education. You must do so within 4 weeks of your employee obtaining the residence permit.

If your organisation is engaged in providing employees or payrolling, and the registration of your organization in the SNA register is terminated, while this condition applies to your recognition as a sponsor, you must notify the IND. You can use the [Notification form for changes concerning the recognised sponsor](#).

Employer

As an employer, you must report any changes to the IND that could impact upon the right to reside of the highly skilled migrant, the intra corporate transferee within a company or employee engaging in regular paid work, seasonal labour or work experience. For example:

- if the employee no longer fulfils the wage requirement;
- if the contract has been terminated;
- if the employee has obtained another position;
- if the employee goes back to his country of origin;
- if the employee moves house;
- if you can no longer monitor the employee.

As employer, you must collate and retain relevant information about your employee. For example:

- the employment or the appointment decision;
- the work permit if required;
- the wage specifications;
- a copy of the passport.

Even if you no longer function as sponsor for the employee, you must still retain the relevant details and documents for 5 years.

Highly skilled migrants must be recruited and selected carefully. You must also keep them updated about the admission and residence conditions that they have to fulfil.

6. What happens if you do not abide by the rules?

The IND can check to ensure that your organisation is abiding by the rules whenever it sees fit, e.g. by asking for details from your organisation. If you are not abiding by the rules, the IND can take a range of measures.

Suspension or withdrawal of recognition

The IND can suspend your organisation as a recognised sponsor. The IND will use the suspension period to investigate whether the organisation is still fulfilling the conditions for recognition. If your organisation fails to abide by the rules on numerous occasions or is no longer fulfilling the conditions for recognition, the IND can withdraw its recognition. The IND can then refuse your organisation status as a recognised sponsor for 5 years.

Withdrawal of the residence permits

In the event of suspension or withdrawal of recognition, the IND may well withdraw the residence permits for highly skilled migrants, scientific researchers, students, au pairs or exchange youngsters that your organisation has brought to the Netherlands.

Warnings and governmental fines

The first time that your organisation is found to be disobeying the rules, you will be issued with a warning. In the event of a subsequent breach, the IND can impose a fine. The level of the fine depends on issues such as the severity of the breach and the number of breaches that have taken place. In the event of serious breaches, the IND can also impose an immediate fine, without issuing a prior warning.

Reporting a criminal act

The IND has a duty to report any reasonable suspicions of a criminal act. For example, if your organisation has deliberately provided incorrect data. The Public Prosecution Service will then assess whether your organisation will face criminal proceedings. If this is the case, the organisation may be fined or the director could receive a prison sentence.

Recuperating the costs of deportation

If the au pair, exchange youngster, student or employee can no longer legally reside in the Netherlands, the Dutch government will check to ensure he leaves the Netherlands. If he does not leave of his own accord, the government may deport him. The costs that are incurred as a result could be recuperated from your organisation by the IND. This involves the cost of transport to the airport or border, the flight ticket and the costs for travel documents, such as a replacement passport. The costs can be recuperated for up to 1 year after your organisation has ceased to function as a sponsor.

7. How does the application procedure work?

Application forms

You can download an application form for recognition as a sponsor from www.ind.nl. The application form allows you to specify the category of residence purpose for which you wish to be recognised. There are four categories: study, exchange, research and labour. Choose the category that applies to you.

Research

Once the application has been received, the IND will investigate whether your organisation fulfils the conditions for recognition. If applicable, the IND will check to ensure that your organisation is listed on the Chamber of Commerce's Company Commercial register. Legal information will also be reviewed in relation to the directors and the organisation. If necessary, the IND will ask you to hand over a Certificate of Good Conduct (VOG). These can be requested from the Central Agency for Certificates of Good Conduct (COVOG) of the Judiciary Service. Do you have a one-man business? Then you can request a VOG via the Citizen and Public Affairs department at the municipality where you are registered in the Municipal Personal Records Database.

In the appendix, you can find a detailed summary of all steps in the procedure and the parties that are involved.

The cost of the procedure

Requesting recognition as a sponsor costs money. These costs are referred to as 'fees'. You must pay the fees when you submit the application for recognition. You must pay fees for every category for which you wish to be recognised. If you do not pay the fees, the IND will not process your application. You will not be refunded your money if the application is turned down. There is a summary of the fees on www.ind.nl.

Duration of the procedure

The procedure will last a maximum of 3 months. If your application is not complete, or the IND needs more additional information, or if it appears that more investigation is needed to make a decision, the term can be extended by 6 months. You will then receive a notification of the decision in writing. If your application is refused but you are not happy with the decision, you can submit an appeal. Details of how to proceed with this are given in the letter.

8. Frequently asked questions

What are the advantages of being recognised as a sponsor?

Recognition corresponds to various advantages:

- You can use an accelerated admissions procedure. The IND will endeavour to make a decision on applications within 2 weeks. If a work permit (TWV) or a combined permit for residence and work is required this is extended to 7 weeks.
- You do not need to provide as much documentary evidence. In many cases, a personal statement will suffice. In this, you indicate that the foreign student, exchange youngster or employee fulfils the conditions for admission and residence in the Netherlands. The documents that you have obtained from the student, exchange youngster or employee must be kept in your administration.
- You have a permanent contact within the IND.

Can I be recognised for more than one category?

Yes, that is possible. You must submit an application for every category. You will also have to pay fees for every application. There are 4 categories of residence purpose:

- au pairs/exchange youngsters;
- students/pupils;
- researchers under Directive (EU) 2016/801;
- employees that carry out regular paid work, work as highly skilled migrants or work in the context of the European blue card, who are transferred within a company or who carry out seasonal labour or work experience.

If my organisation makes an error, will the recognition be withdrawn for all residence purposes?

This is possible. It depends on which conditions for recognition are no longer being fulfilled. It is possible that the recognition for one residence purpose is withdrawn but that it can remain in place for another.

Can I be recognised as a sponsor for family or family-members of those who I wish to bring to the Netherlands?

No, that is not possible. Only organisations (employers, research and educational establishments, au pair agencies and cultural exchange organisations) can be recognised as sponsors. Natural persons cannot be recognised. As a recognised sponsor, you can submit applications for residence permits for family or family-members of those that have come to the Netherlands. This is advantageous insofar as the application can be processed more quickly. Those who you have sponsored function, in turn, as the sponsor of his family or family-members. Employees who carry out seasonal work or work experience cannot be accompanied by family or family-members.

9. More information

Do you have further questions after reading this brochure?

Internet

You will find more information on the procedure and requirements for applying for a residence permit or Dutch nationality at www.ind.nl/en.

Contact with IND

Would you like to contact the IND or schedule an appointment to visit an IND desk? Or do you have another request? Please visit www.ind.nl/en/contact for the various contact options.

Questions about legalisation?

For information about the legalisation of documents (birth certificate, marriage certificate), please visit www.government.nl. Or call at number 1400 (Central government Information).

Processing of personal data

The Immigration and Naturalisation Service (IND) processes personal data when it processes your application, notification, or request. This means that if needed the IND will request data from you yourself and other organisations or persons. The IND also uses and stores data and shares them with other organisations. When doing so, the IND strictly adheres to the stipulations of privacy legislation. For instance, the IND must treat data safely and with due care. The law also gives rights. At your request, you are allowed to see which data on you the IND processes. You can also get information on why the IND does so and to whom your data have been passed on. On www.ind.nl you can read how the IND processes your data and which rights you have. You can also read how to use your rights.

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Application for recognition as recognised sponsor: who does what?

The table below explains what your organisation and the IND must do to have your organisation be a recognised sponsor for the IND.

	<input type="checkbox"/> What do you do?	<input type="checkbox"/> Wat does the IND do?
1.	On the basis of the brochure, you look to see if your organisation meets the conditions for recognition. You go to www.ind.nl to see what evidence and documents are necessary. Here you can also download the application form for recognition as sponsor. There are separate forms for exchanges, study, work and scientific research. With respect to labor, there is a differentiation between migrants, regular employment, holders of an EU Blue Card and seasonal work and apprenticeships.	
2.	You fill out the form, send it to the IND and pay the fee.	The IND will start to process the request once the fee has been paid. The IND examines whether your organisation meets the requirements for sponsorship. If necessary, the IND will ask you to submit a Certificate of Good Conduct (VOG).
3.	If the IND requests it, ask for a VOG at the COVOG [Central Agency for Certificates of Good Conduct] of the Justis [Justis, Ministry of Justice Agency for Scrutiny, Integrity and Screening]. Do you have a sole proprietorship? Then apply for a VOG through the Civil or Public Affairs Department of the municipality where you are registered in the Municipal Personal Records Database..	The IND will render a decision within four weeks of your application if all documents have been submitted. The statutory decision period is three months. This period may be extended by six months if the IND needs more information.
4.	You will receive written notice of the decision from the IND. If you disagree with the decision, you may file an objection.	If the IND has rendered a positive decision, the IND then puts your organisation on a public list of approved sponsors.