

دليل باللغة الإنجليزية حول تمكين أحد أفراد الأسرة أو الأقارب من القدوم إلى هولندا



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Immigration and Naturalisation
Service
Ministry of Justice and Security

Enabling a family member or relative to come to the Netherlands

1. Why have we written this publication?

Would you like to enable a family member or relative to come to the Netherlands? Or do you have a residence permit and you have had a child in the Netherlands? For any stay of over 90 days, family members and relatives require a residence permit, unless they come from a country that belongs to the European Union or the European Economic Area or Switzerland.

When does your family member or relative not require a residence permit?

Your family member or relative does not need a residence permit if he has the nationality of one of the following countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Ireland, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Czech Republic.

This publication provides information on:

- who can apply for a residence permit;
- the conditions for the residence permits;
- how to go about applying for a residence permit;
- which rules must you adhere to;
- what you have to do if your situation changes;
- where you can obtain further information.

Please note! Wherever the term 'he' is used, you may also read 'she'.

2. Who can apply for a residence permit for a family member or relative?

Not everyone can apply for a residence permit for a family member or relative. You must fulfil three conditions:

1. You have Dutch nationality or have a residence permit. *Please note!* If you have a residence permit as an exchange youngster, au pair, for work experience as a trainee (study purposes) or apprentice (work purposes), or seasonal labour, you cannot apply for residence for a family member or relative.
2. The family member or relative will be living with you.
3. You have sufficient money to support your family member or relative. This means that you earn at least the legal minimum wage or a percentage thereof. For more information, see www.ind.nl.

Please note! Are you going to be working in the Netherlands and bringing your family members or relatives to the Netherlands? If they travel with you it is useful if your employer submits the applications for residence permits for them at the same time he submits yours. See the publication 'Going to work in the Netherlands' on www.ind.nl.

3. Which conditions must your family-member or relative fulfil?

With family members and relatives, the focus is usually on:

- a spouse (male/female) or registered partner;
- children under the age of 18.

The conditions for admission vary per family member or relative. Below, are the most important conditions.

Family member or relative

The following applies to each family member or relative:

- He has a valid passport.
- He does not pose a risk to public order or national safety. He has not been found guilty of a criminal offence and has not been involved in war crimes, terrorism or crimes against humanity.
- He must register in the Municipal Personal Records Database in the Netherlands at the same address as you.
- He must undergo a test for tuberculosis in the Netherlands. This test must be carried out within 3 months of the residence permit being issued. If necessary, your family member or relative must be treated for TB. Does your family member or relative has the nationality of one of the countries listed in the 'Appendix Exemption from the obligation to undergo a tuberculosis (TB) test'? Then the TB test is not required. The 'Appendix Exemption from the obligation to undergo a tuberculosis (TB) test' can be found at www.ind.nl.
- He must be insured in the Netherlands for healthcare costs. This test must be carried out within 4 months of the residence permit being issued.
- He must go through the civic integration process in the Netherlands.

Partner

The following applies to a partner: this could involve a male/female spouse, a registered partner or an unmarried partner. In the Netherlands, you may only marry one person. Only one partner and his children may come to live with you in the Netherlands. Did the marriage or the registered partnership already exist abroad, before you received lawful residence in the Netherlands? Then you and your partner must be aged at least 18 years. Did the marriage or registered partnership arise after you received lawful residence in the Netherlands and does this concern a matter of family formation, then you and your partner must be aged at least 21 years. If you want your unmarried partner to come to the Netherlands, that can only happen if you and your partner have a lasting and exclusive relationship with each other. You and your partner must be aged at least 21.

The following applies to an employee with the Turkish nationality who wants his/her spouse or registered partner to come to the Netherlands; both must be aged at least 18 years. If an employee with the Turkish nationality wants his/ her not-registered partner to come to the Netherlands, both must be aged at least 21 years.

Children

The following applies to children under the age of 18: this concerns your children, who are in your legal custody. Different conditions apply to children born in the Netherlands and to adoption and foster children. For details, go to www.ind.nl.

Please note! Your family member or relative must prepare for residence in the Netherlands while still abroad. This applies to family members or relatives between the age of 18 and the statutory pensionable age who require Regular Provisional Residence Permit in order to travel to the Netherlands (see chapter 5). They must take the civic integration basic exam at the Dutch embassy or consulate.

Basic knowledge of the Dutch language and society will be checked in this context. Only once your family member or relative has passed this basic exam abroad, can you submit your application for a Regular Provisional Residence Permit. The result is valid for one year. Once the exam has been passed, you have one year to submit your application. If your family member or relative took the exam over one year ago, he must do the exam again. The exam corresponds to specific costs. Some family members and relatives are not required to take the civic integration basic exam abroad. The exceptions and costs can be found on www.government.nl (Issues > Integration).

4. Which documents do you need?

Before you apply for a residence permit, you must collate all of the necessary documents and evidence. You must have all documents legalised and translated. You must be aware that this can take several months. It also costs money.

Evidence

You must submit a range of evidence with your application for a residence permit. These documents must demonstrate that you and your family member or relative fulfil the admission requirements. The family or family ties must also be proven. Examples of evidence you may provide include:

- documents that indicate your income;
- a copy of your passport or those of your family member or relative;
- the marriage certificate or certificate of registered partnership;
- an unmarried status declaration;
- documents that demonstrate parental custody;
- evidence that the civic integration exam has been passed;
- a legalised and translated birth certificate. This is also necessary in order to register in the Municipal Personal Records Database in the Netherlands.

The application form for a residence permit indicates which documents and paperwork you must provide. This form can be found on www.ind.nl.

Special facts and circumstances

If you think special facts and circumstances may apply, that have to be considered when assessing your application, you have to provide a written declaration. You have to substantiate this declaration with as many (official) means of evidence as possible.

Official means of evidence

Official foreign means of evidence must be issued and legalised by the competent authorities of the country that issued the means of evidence. In some countries the document must then also be legalized by the Dutch embassy or the Dutch consulate in the country in question. In 'apostille countries' an apostille, issued by the competent local authorities, is sufficient. If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country. Official foreign means of evidence include, for example, birth certificates and marriage certificates. Having these means of evidence legalised or provided with an apostille stamp can take a long time. You should start several months in advance of submitting your application with having documents legalised or provided with an apostille stamp in the country of origin.

For more information about legalisation or apostille requirements for documents per country and any exceptions to these requirements, you can telephone the 'Public Information Service', telephone number 1400. You can also visit the website www.government.nl.

Legalisation

A document that is legal in one country is not necessarily legal in another. That is why you must have official foreign documents legalised for use in the Netherlands. This means that the authorities that issued the document must declare that it is official. This confirms the authenticity of the signature on the document and the capacity of the signatory. The Dutch embassy or consulate then legalises the document. The embassy or the consulate then checks to ensure that the signature is genuine.

If no Dutch embassy or consulate is available in that country, the document must be legalised by the Dutch embassy or consulate responsible for that country.

Sometimes a so-called apostille stamp on the document will suffice. The Ministers of Justice or Foreign Affairs can issue this type of stamp abroad. The document does not then need to be legalised by the Dutch embassy or consulate. An apostille stamp is only an option if the document comes from a country that is affiliated to the Netherlands via the Apostille treaty. You can ask Consular Services Centre within the Foreign Office whether the country is affiliated via the Apostille treaty. Look at www.government.nl for more information.

You can contact the local authorities yourself for legalization or an apostille stamp. You can often use help from your family member or relative in the country of origin to have documents legalised.

Legalisation costs money. You must always pay these costs, even if you do not receive the document or it does not arrive on time. The amount you have to pay for legalisation varies per country. You must ask the authorities in your country of origin about these costs. The Dutch embassy or consulate in the country of origin may also impose additional charges (e.g. fax costs).

Translation

All of the documents that you submit with the application must be drawn up in Dutch, English, French or German. If this is not the case, you must have them translated by a translator who has been certified by a court. Certified translators are listed in the Register of certified translators and interpreters (Rbtv). See www.bureauwbvtv.nl for further information. Are you having the document translated abroad rather than in the Netherlands? Then the translation must be legalised. You can thus demonstrate that a certified translator has been used.

5. How does the application procedure work?

Once you have collated all of the necessary documents and evidence, you can submit your application for a residence permit. In order to travel to the Netherlands for a stay of over 90 days, a special visa may be required. This is called a Regular Provisional Residence Permit (mvv). The procedure is then slightly different to a case which does not require an mvv.

Residence permit without mvv

If your family member or relative does not need an mvv, you can submit an application for a residence permit. You are advised to do so while your family member or relative is still abroad. Once the IND has indicated it will issue a residence permit, your family member or relative can come to the Netherlands. Then you can be sure that he is not travelling to the Netherlands unnecessarily. You can help your family member or relative to collate all of the necessary documents from the country of origin. You can also submit an application if your family member or relative is already in the Netherlands. The problem with this is that you do not know, at that moment, whether he will be issued with a residence permit. It can also be difficult to obtain all of the necessary documents in the Netherlands.

Access and residence

If your family member or relative needs an mvv, you can submit an application for a residence permit and the mvv in one go. This is the 'Access to Residence' procedure. Both you and your family member or relative can submit an mvv application. Experience has shown that this is the best way to do things. You can collate all the necessary documents with help from your family member or relative. If something is not clear, you can ask for help from the IND desk. If the IND issues an mvv, you can pass this onto your family member or relative. Your family member or relative must then collect the mvv within 3 months from the Dutch embassy or consulate. He then has 90 days to travel to the Netherlands. Once he has arrived in the Netherlands, he can collect his residence permit within 2 weeks. The IND will notify you as to where and when he can collect the residence permit.

Application forms

All application forms can be found on www.ind.nl.

The cost of the procedure

Applying for an mvv and a residence permit costs money. These costs are referred to as 'fees'. You must pay the fees when you submit the application. 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 take a maximum of 90 days for the mvv and 90 days for a vvr without mvv. You will receive a letter explaining the IND's decision. The IND may well also require further details in order to make its decision. You will then receive a letter about this. If the application is granted, your family member or relative will be issued with an mvv and/or residence permit. If the application is rejected, the letter will provide details of why. If you are not in agreement with the IND's decision, you can submit an appeal. Details of how to proceed with this are given in the letter.

6. What rights correspond to the residence permit?

The residence permit will bear your name, because the family member or relative is living with you. It will also indicate which rights the residence permit gives your family member or relative.

Validity

The residence permit is valid as long as your family member or relative and you fulfil the conditions, for a maximum of 5 years. Are you Dutch? Then your family member or relative will be issued with a residence permit for 5 years. Do you have a residence permit that is valid for less than 5 years? Then your family member or relative will be issued with a residence permit which expires on the same date as yours.

Work

If you are Dutch or are permitted to work with a work permit, your family member or relative may do so too. In other cases, the employer must apply for a work permit.

Please note! If your family-member or relative has applied for benefits in the Netherlands, this could impact upon the residence permit. It could be withdrawn.

7. Which rules must you adhere to?

If you apply for residence for a family-member or relative, you must function as their sponsor. This corresponds to certain responsibilities. As a sponsor, you must ensure that the family member or relative fulfils the conditions for a residence permit. Not only when the application for the residence permit is made but also thereafter. If the family member or relative may no longer legally reside in the Netherlands, you are responsible for ensuring they leave the Netherlands. Tell your family member or relative about the rules to which he needs to adhere and what he has to do himself.

Your obligations

Information obligation

You must notify the IND of any changes that could impact upon the residence permit. For example, if the family ties between you and your family member or relative are broken or if you and your family-member no longer live together.

Administration obligation

You must collate and retain relevant information about your family member or relative. For example, documents that show that you have sufficient money to maintain your family member or relative and documents that prove the connection with your family member or relative.

You must retain these details and documents for up to 5 years after you have ceased to function as a sponsor for the family member or relative. The IND can request these details at any moment in order to check whether you are fulfilling your obligations.

Your family member or relative's obligations

Your family member or relative also has an information obligation. He must report important changes to the IND. This involves:

- changes to the residential address;
- departure for foreign shores for the long-term.

The sponsor

You remain sponsor until:

- the residence permit for your family member or relative is withdrawn;
- your family member or relative has obtained a residence permit for residence with another family-member or relative;
- your family member or relative has obtained a residence permit for another residence purpose, e.g. work or study;
- your family member or relative has obtained a permanent residence permit;
- your family member or relative has taken on Dutch nationality.

8. What happens if your situation changes?

As a sponsor, you must report changes to the IND that could impact upon your family member or relative's right to reside. The IND will then investigate whether there is good reason to withdraw or amend the residence permit.

Changes to the residence permit

Some situations give rise to the residence permit having to be changed. Does your family member or relative want to live with another family member in the Netherlands? Then an application for a change of residence permit must be submitted for him. Is the family member or relative working or studying in the Netherlands? Then the educational establishment or employer may be able to apply for a residence permit. For more information, see the publications 'Going to study in the Netherlands' and 'Going to work in the Netherlands' on www.ind.nl. In a number of cases, the family member or relative may apply for a residence permit independently. For example, if he has had the residence permit for over 5 years and has successfully completed the civic integration process in the Netherlands. Children may be eligible for an independent residence permit if they have had a residence permit for over one year before reaching the age of 18.

Withdrawal of the residence permit

Does your family member or relative no longer fulfil the conditions for residence, e.g. because the relationship has come to an end? Then the residence permit may be withdrawn. Also, if your family member or relative remains outside the Netherlands for a long period, the IND may withdraw the residence permit in certain circumstances. In this situation, the family member or relative must leave the Netherlands unless he can legally reside in the Netherlands on another basis.

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

The IND can check whether you and the family member or relative are abiding by the rules as and when they see fit. If this is not the case, the IND may take a range of measures. Withdrawal of the residence permit If you have provided incorrect details with your application for a residence permit, the permit may be withdrawn. This also applies if your family member or relative has provided incorrect details.

Warnings and governmental fines

The first time that you fail to comply with your obligations as a sponsor, you will probably be issued with a warning. If you fail to do so on numerous occasions, 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 you have deliberately supplied incorrect details. The Public Prosecution Service will then assess whether your organisation will face criminal proceedings. If this is the case, you could be sentenced to a prison term or receive a fine. The residence permit may also be withdrawn.

Recuperating the costs of deportation

If your family member or relative no longer fulfils the conditions for residence, he must leave the Netherlands. The IND will check this. If he does not leave of his own accord, the government may deport him. The corresponding costs will be borne by you. 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 IND can recover the costs for up to one year after you cease to be a sponsor.

10. Frequently asked questions

I want to separate; will my spouse and children have to leave the country?

If you split up and no longer live together with your spouse and children, they are no longer fulfilling the conditions for a residence permit for a family-member or relative. In certain cases, your wife could apply for a residence permit herself. For example, if she has had the residence permit for over 5 years and has successfully completed the civic integration process in the Netherlands. Children may be eligible for an independent residence permit if they have had a residence permit for over one year before reaching the age of 18. If the children stay living with you, their residence permit remains valid.

How long can I be held financially liable for my family member or relative?

You must have sufficient money to support your family member or relative. This applies as long as you are functioning as a sponsor for your family member or relative. If you cease to be a sponsor, the IND can recover any costs for forced repatriation of your family member or relative from the Netherlands from you for up to one year.

What details must I pass onto the IND?

You must notify the IND of any changes that could impact upon the residence permit. For example, if the family ties between you and your family member or relative are broken or if you and your family member no longer live together.

What details must my family-member or relative pass onto the IND?

Your family-member or relative must always notify the IND of any changes to residential location; this is also the case for departure abroad for a long period.

My family member or relative has provided incorrect details, can I be fined?

You may be fined if you have provided incorrect details to the IND, irrespective of whether you have been given these by your family member or relative.

For how long can the IND costs for forced repatriation from the Netherlands be recuperated from me?

The IND can recover the costs for up to one year after you cease to be a sponsor for your family member or relative.

I am unemployed, what now?

You must have sufficient money to support your family member or relative. If you apply for a residence permit, you must demonstrate that you fulfil this condition. If you become unemployed once the residence permit has been issued, this does not necessarily have direct consequences as long as your income is still sufficient and independent. Unemployment benefit counts towards this, work and social assistance benefits, however, do not.

11. 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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Appendix

Overview of the application procedure for a residence permit

The table below explains what you, your family member or relative and the IND need to do in order to obtain a residence permit for your family-member or relative.

	What do you do?	What does does your family member or relative do?	What does the IND do?
1.	Use the publication to ensure that your family member or relative fulfils the conditions for obtaining a residence permit. You can check to see what paperwork and documents your family member or relative needs in order to obtain an mvv on www.ind.nl . Enter the details of your situation. You can then download an application package that is tailored to your needs.	Does your family member or relative have to undergo a civic integration process? Then he must first complete an exam. Consult the Dutch embassy or the Dutch consulate for more information.	
2.	Gather together all evidence and documents that must be supplied with your application. Official foreign documentation must be legalised and translated.	Your family member or relative can help you organise the legalisation and translation of official foreign documents.	
3.	You must submit your application for a residence permit to the IND in the manner given in the application form. If your family member or relative needs an mvv, your application will cover both the mvv and the residence permit.		The IND will confirm receipt of the application. You will be given the opportunity to pay the fees.
4.			The IND will assess the application and let you know whether your family member or relative will be permitted entry to the Netherlands. The legal time limit is 90 days.
5.	You will receive a letter explaining the IND's decision. You can then explain this to your family member or relative. If you are not in agreement with the IND's decision, you can submit an appeal.	If the decision regarding the mvv and residence permit is positive, your family member or relative may go to the Dutch embassy or Dutch consulate to collect the mvv within 3 months. You then have 90 days to travel to the Netherlands. If the decision regarding the residence permit (without mvv) is positive, your family member or relative can travel to the Netherlands immediately.	If an mvv is required, the IND will inform the embassy or the consulate of its positive decision. The IND will let you know when your family member or relative may collect the residence permit.
6.	You can tell your family member or relative where and when they can report to the IND.	Your family member or relative then reports to the IND desk on the agreed date to collect their residence permit. If necessary, he must have a TB test conducted by the Municipal Health Service within 3 months of arriving in the Netherlands. Your family member or relative must also take out healthcare insurance as quickly as possible. If your family member or relative must undergo a civic integration process, he must continue this in the Netherlands.	The IND will check the identity of the family member or relative and then issue the residence permit.