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The Netherlands – 2015 Salary Criteria for Highly- Skilled Migrants Announced

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Dutch-based companies that have acquired official status as "Recognized Sponsor"¹ from the Dutch immigration authorities may benefit from expedited immigration procedures with respect to their so-called qualifying highly-skilled migrants. Because of the expedited processing times and transparent criteria, the highly-skilled migrant procedure is a very popular immigration channel for companies in the Netherlands.

The main requirement is that the employee satisfies the salary requirement which is set for his/her category as noted below.

Why This Matters

This main requirement concerning the salary criteria has made it easier for employers to determine beforehand if an employee will qualify for this immigration procedure.

An additional upshot is that the procedure can allow for more effective international assignment planning, since the average processing time is just two to four weeks from the filing date to arrival date, as long as the required supporting documents are provided.

Companies that make use of the procedure need to be aware of the new criteria to determine if their employees satisfy the conditions. The new criteria apply to every application filed after January 1, 2015, for a new hire, new assignee, and for renewal applications.

The salary criteria for these highly-skilled migrants are contained in the Foreign Nationals Employment Act Implementation Decree (*Besluit uitvoering Wet arbeid vreemdelingen*).² This also stipulates that the indicated salaries are to be adjusted annually by ministerial regulation with effect from January 1 on the basis of recent index figures for negotiated wages, as published by Statistics Netherlands.³

The following gross monthly salaries (including vacation allowance) apply as of January 1, 2015:

- Highly-skilled migrant 30 years and older €4,524.12 (€4,371.84 for 2014);
- Highly-skilled migrant younger than 30 years €3,316.68 (€3,205.44 for 2014);
- Dutch graduates qualifying for "search year" €2,377.08 (€2,297.16 for 2014).

The salary criterion is assessed solely on the salary received in cash, i.e., the fixed contractual gross salary in cash. Non-cash salary payments and uncertain salary components such as over-time, tips, and benefit payments are therefore excluded.

However, expense allowances may be included provided they are paid monthly into a bank account held by the highly-skilled migrant.

Fixed allowances such as the vacation allowance and 13th month payment or fixed year-end bonus may also be included in the gross salary. An exception applies to these elements in that they do not have to be paid on a monthly basis. The Immigration and Naturalization Service (IND) therefore asks for confirmation of both the monthly salary excluding vacation allowance and year-end bonus, as well as the salary including these amounts.

The salary must also be paid at least monthly into a bank account held by the employee. The pay slips must be made available for inspection upon first request by the IND or Labor Inspectorate ("Inspectie SZW").

Applications that are filed before January 1, 2015, are subject to the 2014 salary criteria. The 2014 criteria also apply in situations where the Entry and Residence (*Toegang en Verblif*, TEV) application is filed before January 1, 2015, but the highly-skilled migrant only arrives in the Netherlands in 2015.

In addition to the highly-skilled migrants program, the salary criteria also apply to the following types of applications for a work permit:

Short stay by highly-skilled migrants – This scheme is limited to group employees in key or specialist positions who are employed by a recognized sponsor⁴ and work for a maximum of 90 days in the Netherlands within a period of six months.

Application in the context of an intra-group transfer – There are special categories for key positions, knowledge transfer, and trainees. The salary criterion for highly-skilled migrants older than 30 years of age applies to the first two categories. For trainees, the lower criterion for migrants younger than 30 years of age applies.

Highly-skilled migrants resident in another EU member state but working in the Netherlands – This scheme is particularly attractive for employers in the border region, who are thus able to employ highly-skilled migrants although they do not live in the Netherlands.

Footnotes:

1 See [Flash International Executive Alert 2013-073](#), May 3, 2013.

2 See (in Dutch): http://wetten.overheid.nl/BWBR0007523/geldigheidsdatum_19-12-2014 .

3 See (in Dutch) Staatscourant 2014 Nr. 35740 (<https://zoek.officielebekendmakingen.nl/stcr-2014-35740.html>).

4 For what constitutes a "recognized sponsor," see [Flash International Executive Alert 2013-073](#), May 3, 2013.

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