

HR & Tax Alert



Quality In Everything We Do

The Netherlands - New immigration procedures for employees from Bulgaria and Romania

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Executive summary

Bulgaria and Romania will join the EU on 1 January 2007. As of that day all citizens of Bulgaria and Romania will enjoy the general (unrestricted) right to freedom of movement between EU member states.

However, an optional restriction has been agreed on the right to move to obtain employment. The “old” member states (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom) have the option to postpone the free movement of workers during a transitional period in which the flow of workers from Bulgaria and Romania will be restricted.

Background

Since most of the “old” member states are imposing a restriction on the free movement of workers, the Dutch government decided on 24 November 2006 to introduce a transitional period of two years.

The current work permit rules will remain applicable during this transitional period. Employees from

Bulgaria and Romania will be granted a work permit only if the employer can prove that no qualifying Dutch or other European employee (i.e. a citizen of the “old” member states, the EEA countries and Switzerland) is available to fill the position concerned.

The Dutch government has announced that it will evaluate the situation one year after Bulgaria and Romania have become part of the EU to see whether an exception can be made in those sectors and professions in which there is a shortage of Dutch or other European employees. In such cases a work permit could be granted within one or two weeks.

Final comments

The requirement for citizens of Bulgaria and Romania to apply for a temporary residence permit (the ‘MVV’ visa) will be abolished as of 1 January 2007.

As far as the free movement of workers is concerned, the current work permit rules will remain in force.

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