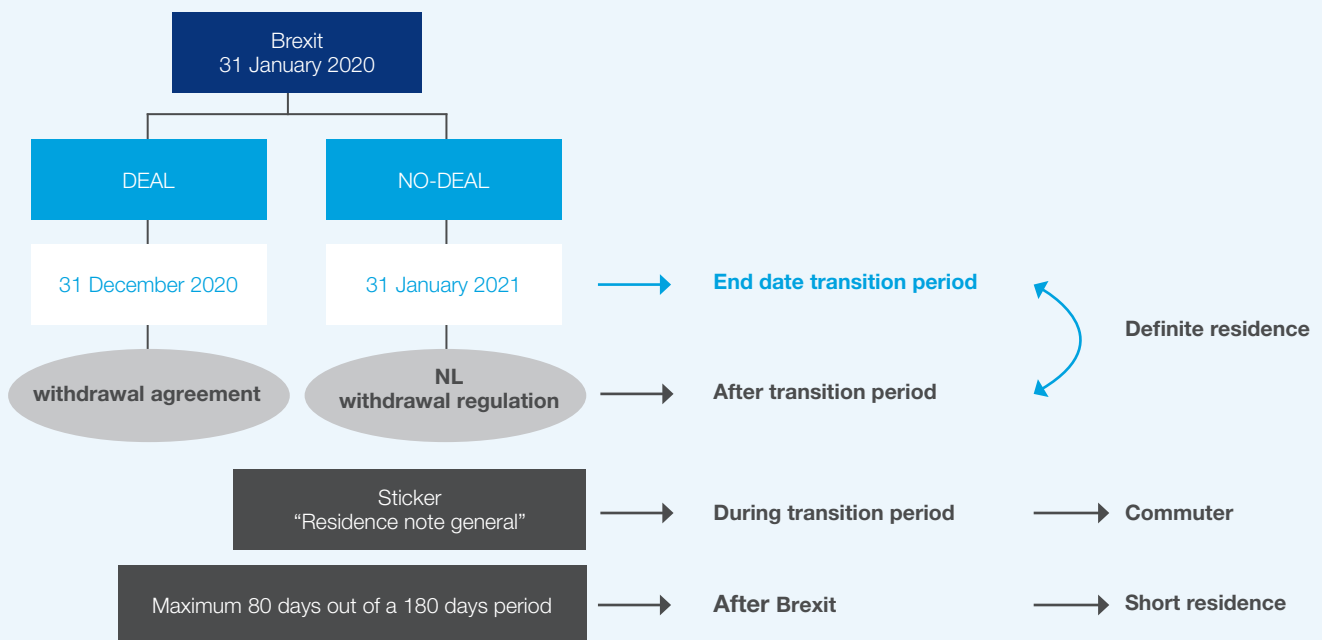


Brexit: legally valid residence UK nationals in the Netherlands

We are pleased to inform you regarding the current consequences for the UK nationals who (would like to) reside and/or work in the Netherlands on the 31st of January 2020 from an immigration (law) perspective, in case Brexit actually occurs. Please find below an illustrative overview:

Legally valid residence UK national in the NL



1 Start residence/employment in the Netherlands before 31 January 2020

UK nationals who reside and/or work in the Netherlands on 31 January 2020 are covered by the so-called transition period. The transition period starts at the date of Brexit – in principle 31 January 2020 – and is applicable with (Deal) or without (No Deal) the agreed withdrawal agreement. In case of a *Deal*, the transition period will last until 31st of December 2020. Should a *No Deal* occur, a transition period will be applicable, which will in principle last until 31 January 2021.

1.1 Conditions temporary residence in the Netherlands during the transition period

In case of a *Deal*, a UK national does not need a residency document, only a valid passport. As a consequence of a *No Deal*, a UK national working in the Netherlands during the aforementioned period will in principle need a *temporary residency permit* in the form of a letter. This letter (free of charge) will be sent to all UK national and their family members living in the Netherlands who are registered in the Personal Records Database (In Dutch: Basisregistratie Personen/BRP). A copy of this letter needs to be held with your Dutch employer together with a copy of a valid passport.

During the transition period in case of both a *Deal* and *No Deal*, the IND (Dutch immigration authority) will send UK nationals who are registered in the BRP, an invitation to file an online application for a (new) definite residence document/ permit. This document/permit enables the UK national to continue to live, work and study in the Netherlands after the transition period.

Please note that for **UK commuters** specific conditions are applicable during the transition period:

Deal	No Deal
X	<p>Sticker “Residence note general” is required and to be obtained at the IND-ticket window prior to 31 January 2020.</p> <p>Note: during this period an employment permit (in Dutch: <i>Tewerkstellingsvergunning/TWV</i>) is not required</p> <p>Conditions¹:</p> <ul style="list-style-type: none"> - Upon Brexit date, the commuter is working in the Netherlands; - After Brexit the commuter intends to continue working in the Netherlands; - Valid employment agreement which stipulates the commuter remains performing employment activities; - Main residence of the commuter is the UK and he/she returns once a week to the UK; - Valid passport.

1.2 Conditions definite residence in the Netherlands after the transition period

In case of a *Deal*, the rules in the (provisional) withdrawal agreement apply to the Dutch residency status of the UK national. Should a *No Deal* occur, the rules of the Dutch withdrawal regulation apply:

	Residence < 5 years in the NL		Residence > 5 years in the NL	
	Deal	No Deal	Deal	No Deal
<i>Application</i>	Residence document	Temporary residence permit	Residence document	Permanent residence permit
<i>Conditions (cumulative)</i>	<ul style="list-style-type: none"> - Legally resident in NL during transition period - Living in NL less than 5 years based on the right to freedom of movement in the EU - Valid passport - Real and actual work* - No threat to public order - Invitation from IND 	<ul style="list-style-type: none"> - Legally resident in NL on the date of Brexit - Living in NL less than 5 years based on the right to freedom of movement in the EU - Valid passport - Real and actual work * - No threat to public order - Invitation from IND 	<ul style="list-style-type: none"> - Legally resident in NL during transition period - Upon application continuously lived in NL for 5 years or more based on the right to freedom of movement in the EU - Valid passport - At least 5 years of real and actual work* - No threat to public order - Invitation from IND 	<ul style="list-style-type: none"> - Legally resident in NL on the date of Brexit - Upon application continuously lived in NL for 5 years or more based on the right to freedom of movement in the EU - Valid passport - At least 5 years of real and actual work* - No threat to public order - Invitation from IND

* as an employee or self-employed person; OR you have a health insurance + sufficient income to support him/herself (and family members)

With respect to *UK commuters*, it is currently unclear what happens after the transition period (> 31 January 2021) and how it will work out in the Netherlands.

1 We understand that the IND takes the position that these conditions are applicable as long as the commuter has the same employer.

2 Start residence/employment in the Netherlands after the transition period

In case a UK national will relocate with the intention to definite reside in the Netherlands *after the transition period*, the same national conditions apply for obtaining a valid residence permit and employment permit (In Dutch: *Tewerkstellingsvergunning/TWV*) as for any other non-EU/EER/Swiss national in case of a *No Deal*. However, this person is exempted from obtaining the so-called *Machtiging tot Voorlopig Verblijf (MVV)*. The application for a residence permit may therefore be filed after arrival in the Netherlands. Should a *Deal* occur, it will depend on the agreement to be made between the EU and the UK.

3 Exemption visa short stay in NL

The European Council has ordained under European Visa Regulation that UK nationals (both in case of a *Deal* and *No Deal*) are exempted from having a legally valid short stay visa within the Schengen area (26 countries) after Brexit (*Deal* or *No Deal*), in case the residence does not exceed 90 days within a period of 180 days. Furthermore, no employment permit needs to be obtained.

Note: a legally valid residence in the Netherlands does not automatically provide for a legally valid residence in another EU/EER member state or Switzerland.

Our Employment & Benefits specialists work as a team to provide a seamless service. For further information please contact:

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