

Annual adjustment of salary criterion for highly skilled migrants and administrative charges

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

The following gross monthly salaries apply as of January 1, 2019:

- Highly skilled migrant 30 years and older EUR 4,500 excluding vacation allowance
- Highly skilled migrant younger than 30 years EUR 3,299 excluding vacation allowance
- Dutch graduates qualifying for orientation year EUR 2,364 excluding vacation allowance
- EU Blue Card EUR 5,272 excluding vacation allowance

The salary criterion is assessed solely on the salary received in cash, i.e. the fixed contractual gross salary in cash, excluding the vacation allowance to be paid by the employer. Non-cash salary payments and uncertain salary components such as overtime, tips, and benefit payments are excluded. However, expense allowances may be included provided they are guaranteed and regularly paid each month.

A fixed allowance such as a 13th month payment or fixed year-end bonus can only be included in the gross salary if they are paid to the highly skilled migrant in monthly arrears.

The salary must also be paid at least monthly into a bank account held by the highly skilled migrant. The pay slips must be made available for inspection upon first request.

Applications that are filed before January 1, 2019 are subject to the salary criterion for 2018. The old criterion also applies in situations where the Entry and Residence (*Toegang en Verblijf*; TEV) application is filed before January 1, 2019, but the highly skilled migrant only arrives in the Netherlands in 2019.

The salary criterion also applies to applications for a residence permit that are filed for “intra-corporate transfer” applications under the ICT Directive (96/71/EG).

In addition, the salary criterion also applies to the following types of applications for a work permit:

1. Short stay by highly skilled migrants

This scheme is limited to employees in key or specialist positions who work for a recognized sponsor and work in the Netherlands for a maximum of 90 days within a six-month period.

2. 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 30 years of age and older applies to the first two categories. For trainees, the lower criterion for migrants younger than 30 years of age applies.

3. 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.

All administrative charges are also usually indexed on January 1, but this year only a few charges were adjusted and these do not cover applications for highly skilled migrants or ICT permits or applications for family members. The following charges will, for the time being, continue to apply:

- Highly Skilled Migrant, first application: EUR 582
- Highly Skilled Migrant, renewal application EUR 355
- Family member, first or renewal application EUR 240
- Minor child, new application or renewal application EUR 51
- EU Blue Card, first application EUR 661
- EU Blue Card, renewal application EUR 355

If you would like more information about this, we will naturally be happy to be of assistance.

Meijburg & Co
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