

Annual adjustment of salary criterion for highly skilled migrants

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, 2020:

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| • Highly skilled migrant 30 years and older | EUR 4,612 excluding vacation allowance |
| • Highly skilled migrant younger than 30 years | EUR 3,381 excluding vacation allowance |
| • Dutch graduates qualifying for orientation year | EUR 2,423 excluding vacation allowance |
| • EU Blue Card | EUR 5,403 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, 2020 are subject to the salary criterion for 2019. The old criterion also applies in situations where the Entry and Residence (*Toegang en Verblijf*; TEV) application is filed before January 1, 2020, but the highly skilled migrant only arrives in the Netherlands in 2020.

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.

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

Meijburg & Co
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