

Annual adjustment of salary criterion for highly skilled migrants 2021

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, 2021:

- Highly skilled migrants 30 years and older EUR 4,752 excluding vacation allowance
- Highly skilled migrants younger than 30 years EUR 3,484 excluding vacation allowance
- Dutch graduates qualifying for orientation year EUR 2,497 excluding vacation allowance
- EU Blue Card EUR 5,567 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 and other allowances may be included, provided they are guaranteed and regularly paid each month.

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

The salary must also be paid at least monthly into a bank account bearing the name of the highly skilled migrant. Pay slips must be immediately available for inspection upon request.

For applications filed before January 1, 2021, the salary criterion for 2020 applies. The old criterion also applies in situations where the Entry and Residence (*Toegang en Verblijf*; TEV) application is filed before January 1, 2021, although the highly skilled migrant will only arrive in the Netherlands in 2021.

Besides the highly skilled migrant procedure, the salary criterion also applies to applications for a residence permit that are filed for 'intra-corporate transfers' under the EU 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 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 pleased to be of assistance.

Meijburg & Co
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