

Brexit: INS announces transitional rules for right of residence of UK citizens in the Netherlands

'No-deal scheme'

The government has decided that UK citizens and their family members who lawfully reside in the Netherlands before Brexit will also retain their right of residence in the event of a 'no deal'. Brexit means considerable uncertainty for the many UK citizens living in the Netherlands. The announced transitional rules will finally make clear for this group where they stand.

The transitional rules will apply for a period of 15 months and continue through to July 1, 2020. The rules will apply to both UK citizens and any family members who are not EU nationals.

To be eligible for the rules, lawful residence in the Netherlands must have arisen *before* Brexit, thus before March 29, 2019.

During the transitional period, UK citizens (and thus also any family members who are not EU nationals) will retain their right to reside, work and study in the Netherlands. The Immigration and Naturalization Service (INS) will send all those who fall under the transitional rules a letter confirming their right of residence before March 29, 2019. This letter will count as proof of lawful residence.

Only when the transitional period has ended will UK citizens and their family members have to be in possession of a Dutch residence permit. This residence permit will be granted under the same conditions that apply for residence as an EU citizen; thus no new or stricter conditions for residence will be imposed. Employers are not obliged to apply for work permits for this group.

What do you have to do?

It is essential that you ensure that you are correctly registered with the municipality where you live. This is important because the INS then has your contact details but also because the registration in the Personal Records Database shows that you currently (in any case before Brexit) lawfully reside in the Netherlands on the basis of the EU treaty.

If you are correctly registered with the municipality where you live, then you do not have to take any further action at this time.

Application for residence permit during the transitional period

Because the INS will have to deal with a large increase in the number of applications for residence permits in a relatively short period, it was decided to write to everyone personally inviting them to submit an application and to send this letter in stages. To ensure this operation runs smoothly, everyone is urged to wait until they receive this letter.

It is not necessary to submit an application before then, because the right of residence will be retained during the entire transitional period. The INS will ensure that everyone receives this letter by April 1, 2020 at the latest.

The INS charges for residence permit applications: the charges for this are EUR 57.

 Holders of a document for permanent residence

UK citizens who currently have a permanent right of residence (or possess a 'Permanent residence Citizens of the Union and their Family Members' residence document) must also possess a *national* residence permit after the transitional period. The INS will provide these people with a new residence document free-of-charge and will send them a letter in due course so that they can schedule an appointment to pick up the new residence document.

 Holders of a national residence permit

UK citizens who currently have a residence permit on national grounds, for example, as highly skilled migrants, can opt to retain this. After Brexit they can continue to live in the Netherlands on the basis of this permit as long as they continue to comply with the conditions for the residence permit. It is however also possible to rely on the new scheme and obtain a residence permit under the conditions of EU law. The INS will also write to this target group.

 Dual citizenship

UK citizens who also have the nationality of another EU Member State can continue their lawful residence in the Netherlands under this second nationality and thus do not have to apply for a residence permit.

 If you did not have a right of residence in the Netherlands before Brexit

UK citizens who only intend to live in the Netherlands after Brexit can apply for a residence permit under national law, such as a highly skilled migrant permit or a residence permit for study, from March 30, 2019 onward. They are not required to possess an authorization for temporary stay (*machtiging tot voorlopig verblijf; MVV*), which means they can travel to the Netherlands without a special visa to settle here.

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