



Protocol and Host Country Affairs Department
Min-BuZa.2020.5026-23

The Ministry of Foreign Affairs presents its compliments to the International Organisations in the Netherlands and, in reply to further questions received on the consequences of BREXIT for staff with British nationality employed by these organisations, has the honour to inform them as follows.

The Ministry refers to note no. DPG-2019/44 of 17 January 2019, note no. DPG-2019/284 of 9 April 2019 and the information session held on 10 December 2019 (ref. DPG Min-BuZa.2019.4018-24 of 12 November 2019).

This note verbale provides additional information on the legal consequences, in terms of residence status (and access to the Dutch labour market), arising from the United Kingdom (UK)'s withdrawal from the European Union (EU) on 31 January 2020 ('Brexit'), for British nationals employed by International Organisations in the Netherlands under their respective host state agreements.

EU and UK in negotiations on their new Partnership

The Withdrawal Agreement concluded between the EU and the UK establishes the terms of the United Kingdom's orderly withdrawal from the EU, in accordance with Article 50 of the Treaty of the European Union and provides for an agreement on citizens' rights. It sets out a transition period which lasts until 31 December 2020, with the possibility of a one-time extension of up to 24 months. During the transition period negotiations take place between the EU and UK about their new Partnership. More information on Brexit is available on the website of the Dutch government and European Commission respectively:

<https://www.government.nl/topics/brexit> and
https://ec.europa.eu/info/departments/task-force-relations-united-kingdom_en.

Impact of Brexit on the residence rights of British nationals working for International Organisations in the Netherlands

It is important to note that after Brexit nothing has changed with regard to the residence rights of British nationals for as long as they remain employed by the International Organisation in question. Staff working for International Organisations will continue to have the same rights and obligations under the relevant host state agreements as before.

Impact of Brexit on the residence rights of British nationals when their employment with an International Organisation in the Netherlands ends

The UK's withdrawal from the EU may have consequences for British nationals working for International Organisations if their employment ends.

a. Employed for 10 years or more

This group has two options to secure their residency in the Netherlands after the end of the transition period.

1. Permanent residence permit for (ex-) privileged persons and their family members

Dutch legislation already provides for a right to permanent residence and access to the Dutch labour market for (former) privileged persons if they have lived in the Netherlands with a privileged status for 10 years or more. If the International Organisation has been established in the Netherlands for a period shorter than 10 years, a (former) privileged person is entitled to this residence permit if he or she has lived in the Netherlands for at least 5 consecutive years. For more information and criteria, see the website of the Immigration and Naturalisation Service (IND) (<https://ind.nl/en/permanent-residence/Pages/formerly-privileged-and-their-family-members.aspx>).

2. Permanent residence permit under the withdrawal agreement

British nationals employed for 10 years or more (with at least 5 years of residency in the Netherlands) will also be allowed to stay in the Netherlands after 31 December 2020 under the conditions of the withdrawal agreement (see Part Two, Citizens' Rights <https://eur-lex.europa.eu/legal-content/ENG/TXT/PDF/?uri=OJ%3AC%3A2019%3A384I%3AFULL&from=EN>). More information can be found at www.IND.nl/brexit.

b. Employed for 5 years or more

British nationals employed for less than 10 years but more than 5 years (with at least 5 years of residency in the Netherlands) can make use of the aforementioned option 2, *Permanent residence permit under the withdrawal agreement*, if they want to stay in the Netherlands after 31 December 2020. A British national employed by an International Organisation that has been stationed in the Netherlands for a period shorter than 10 years can also make use of the option mentioned under 1, *Permanent residence permit for (ex-) privileged persons and their family members*.

c. Employed for less than 5 years

British nationals employed for less than 5 years will be allowed to stay in the Netherlands after 31 December 2020 under the conditions of the withdrawal agreement. (see Part Two, Citizens' Rights <https://eur-lex.europa.eu/legal-content/ENG/TXT/PDF/?uri=OJ%3AC%3A2019%3A384I%3AFULL&from=EN>). They are entitled to a temporary residence permit. After five years of legal residence in the Netherlands, they will be allowed to apply for a permanent residence permit. More information can be found at www.IND.nl/brexit.

Impact of Brexit on British nationals working for International Organisations in the Netherlands who decide to apply for a residence permit while still employed by the International Organisation

If a British national working for an International Organisation in the Netherlands decides to apply for permanent residence in the Netherlands using one of the aforementioned options while still employed by the International Organisation, this may affect his/her privileges and immunities.

As stipulated in the Protocol Guide for International Organisations (see <https://www.government.nl/documents/leaflets/2012/12/01/protocol-guide-for-international-organisations>, chapter 5) the status of persons permanently residing in the Netherlands differs from that of other members of an International Organisation's staff and they may enjoy fewer privileges and immunities.

A British national working for an International Organisation in the Netherlands wishing to apply for a residence permit under the withdrawal agreement is advised to call the IND Brexit phone line (available from Mondays to Fridays from 9.00 to 17.00 on +31 (0)88 04 30410). The employee should mention his or her privileged status and, upon this, will receive instructions how to apply.

Invitation letter from the IND

Recently some British nationals working for International Organisations (or members of their households) have erroneously received an invitation letter from the IND, inviting the person to submit an application for a residence document. This was a mistake. The invitation letter should not have been sent to UK nationals with privileged status. As long as a UK national has a privileged status, Brexit will not affect the residence rights in the Netherlands. The person does not need to take action because receiving the invitation letter will not affect the privileges and immunities.

A likely reason for having received the invitation is that the privileged status is not registered correctly in the Personal Records Database (*Basisregistratie Personen* or BRP). In that case the BRP registration lacks a so-called PROBAS notification. You can advise these staff members to go to their town hall and ask for the PROBAS notification to be added to their BRP. Adding the PROBAS notification requires a staff member to show the MFA card at the town hall. This is the diplomatic identity card from the Dutch Ministry of Foreign Affairs.

E-portal

The Ministry of Foreign Affairs urges all International Organisations to ensure that all information about their staff and the members of their households is correct and up to date. Corrections should be made through the E-portal.

More information

The most recent information about Brexit is available on www.ind.nl/Brexit and www.rijksoverheid.nl/Brexit.

New developments

International organisations will be informed about new developments when necessary.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the International Organisations in the Netherlands the assurances of its highest consideration.

The Hague, 14 April 2020

To: all International Organisations in the Netherlands

Cc: Her Britannic Majesty's Embassy, The Hague