



## Appendix Exemption from the obligation to apply for a regular provisional residence permit and special situations

**Do not enclose this appendix with the form!**

Usually, you will need a regular provisional residence permit (in Dutch: machtiging tot voorlopig verblijf; hereinafter MVV) in order to apply for residence in the Netherlands. You do not apply for a MVV in the Netherlands, but in your country of origin or in the country where you may reside for more than 90 days under a residence permit (your country of continuous residence).

Sometimes, you do not require an MVV. These situations are mentioned and explained below. Please read all situations first. Then tick in the application form the situation that applies and enclose the requested documents with the application form.

### 1. Your residence permit has expired

The validity of your residence permit is stated in your residence document. If you have been unable to extend the validity of your residence permit or to change the restriction in time, you must state the reason for this in a separate letter. Enclose this letter and as many pieces of evidence and documents as possible with your application in order to substantiate your story.

### 2. For health reasons, you are unable to apply for an MVV in your country of origin

If you are in the Netherlands and, for medical reasons, it is not wise for you to travel to your country of origin, you do not have to apply for an MVV. You have to prove this with certain pieces of evidence and documents. You must enclose all the means of evidence mentioned in the Appendix 'Explanation and means of evidence medical circumstances', which you can find on [www.ind.nl](http://www.ind.nl). Read the appendix carefully and follow the instructions.

The IND asks the independent physician from the IND's Medical Advisors Office (Bureau Medische Advisering or BMA) for advice about your medical situation. If you do not submit all the requested details, then BMA cannot advise and the IND can not assess whether your medical situation is grounds for exemption from the MVV requirement.

### 3. You have a valid residence permit issued in a Schengen country

You do not require an MVV if:

- you have a valid regular residence permit\* issued in a Schengen country\*\*; and
- a recognised sponsor has applied for your residence permit; and
- you meet the requirements for the purpose of residence.

Your family members also do not need to have an MVV if:

- they already had a residence permit to stay with you in the other Schengen country; and
- their application for a residence permit is submitted by a recognised sponsor.

\* Do you have a residence permit for asylum? Then you do need an mvv.

\*\* Visit [www.netherlandsworldwide.nl](http://www.netherlandsworldwide.nl) to find out which countries belong to the Schengen area.

### 4. You are residing as a privileged family member of a staff member of a foreign diplomatic or consular post accredited in the Netherlands who has (had) a privileged status

Your family member qualifies for a permanent residence permit him/herself. If you are residing as a family member with someone having a privileged status and you currently also have a privileged status yourself, you do not require an MVV. This only applies if you and the family member you are residing with have submitted an application for a permanent residence permit simultaneously.

**5. You have resided in the Netherlands on the grounds of a special privileged status as an accredited member of an international organisation or you have resided in the Netherlands as his/her family member.**

**6. You worked on a Dutch seagoing vessel or in a mining installation on the continental shelf for 7 years or longer**

If you can demonstrate that you worked on a Dutch seagoing vessel or on the continental shelf for 7 years or longer, you do not require an MVV. Please enclose the proof hereof with this application.

**7. You have Turkish nationality and you worked legally in the Netherlands over the past year.**

If you have Turkish nationality and you have worked legally in the Netherlands for the same employer in the past year, you do not need an MVV. This only applies if you want to continue to work as an employee for the same employer in the Netherlands.

**8. You are the spouse, registered partner or minor child of a Turkish employee. You have been admitted to the Netherlands with this employee and have lived together with this employee continuously for three years**

If you have been admitted to the Netherlands as the spouse, registered partner or minor child of a Turkish employee and you have legally lived with this employee in the Netherlands for three years, you do not need an MVV.

**9. You are the child of a Turkish worker and you completed vocational training in the Netherlands**

If you are the child of a Turkish employee, who has been legally employed in the Netherlands for at least three years, and you have completed a vocational training course in the Netherlands, you do not need an MVV.

**10. You come under the scope of Decision 1/80 or the Additional Protocol. There are special individual circumstances that prevent you from applying for an MVV. You meet all other conditions for granting the residence permit**

Indicate the special, individual circumstances in a separate letter. Enclose the letter and the means of evidence showing the special circumstances with the application form.

**11. You are the spouse, registered partner or child of a Turkish employee or a Turkish self-employed person. You want to stay in the Netherlands with that Turkish employee or Turkish self-employed person and there are special and individual circumstances. If you have to leave the Netherlands to apply for an MVV, the Turkish employee or self-employed person is forced to go with you due to these special and individual circumstances**

Indicate the special, individual circumstances in a separate letter. Enclose the letter and the means of evidence showing the special circumstances with the application form.

**12. You were born in the Netherlands, you are 12 years of age or younger and you did not move the location of your principal residence outside the Netherlands**

A child aged 12 or younger, born in the Netherlands and forming part of the family of the sponsor (who did not move the location of his principal residence outside the Netherlands either) does not require an MVV. The parent(s) must lawfully reside in the Netherlands.

**13. You qualify for a residence permit with the purpose of residence 'cross-border service provision'.**

You do not need an MVV if you qualify for this residence permit.

**14. You are a victim of or witness reporting human trafficking**

If you are a victim of or witness reporting human trafficking, you must report to the police. You may be entitled to a residence permit based on this report. You are not obliged to submit a separate application for this. In that case, you do not need an MVV.

**15. You do not have a residence permit and you are a victim of or witness reporting human trafficking. You cannot or will not file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker because of important reasons.**

If you do not have a residence permit, are a victim of or witness reporting human trafficking and you cannot or will not file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker because of important reasons. You do not need an MVV if you qualify for a residence permit with the purpose of stay "temporary humanitarian" for these reasons.

**16. You do not have a residence permit and you have fallen victim to (or might fall victim to) honour-related violence or domestic violence.**

You do not need an MVV if you qualify for a residence permit with the purpose of stay "temporary humanitarian" for these reasons.

**17. You are a minor child of a person who has a residence permit on temporary humanitarian grounds in connection with human trafficking or honour-related violence or domestic violence**

If you are the minor child of someone who has a residence permit on temporary humanitarian grounds, as referred to above, and you are staying in the Netherlands with this parent, then you may be eligible for exemption from the requirement for an MVV.

**18. You are unable to depart from the Netherlands**

If you are not to blame for being unable to depart from the Netherlands, because you do not have a valid passport and, for valid reasons, you cannot be put into the possession of alternative travel documents, you do not require an MVV.

**19. You are a minor child and you actually resided in the Netherlands for at least three years**

You do not require an MVV if you:

- are under age;
- actually resided in the Netherlands for at least three years;
- are of school age; and
- intend to reside with a Dutch citizen or a sponsor with lawful residence.

**20. You are unable to leave the Netherlands because this is contrary to Article 8 of the ECHR**

You believe that you are unable to leave the Netherlands because it is an interference on your family or private life as set out in Article 8 of the ECHR. Enclose the following evidence with your application:

*In case of an appeal for protection of your family life:*

- evidence showing the relationship pertaining to family law between you and the sponsor, for example a copy of a birth certificate; and
- evidence showing how you conduct your family life with the sponsor.

*In case of an appeal for protection of your private life:*

- evidence showing your connections with the Netherlands and which also shows the intensity of these connections.

**21. You want to reside with your Dutch minor child of whom you are the only carer parent**

If you are the only carer parent of a Dutch minor child who you have to support and who must leave the European Union if no residence permit is granted to you, you do not require an MVV.

**22. You resided in another EU country as a holder of a European Blue Card and you apply for an European Blue Card in the Netherlands**

You do not need to have an MVV if you apply for a European Blue Card in the Netherlands and you have stayed in another EU country as a holder of the European Blue Card for at least 12 months (mobility), or have stayed in another EU country as a holder of a European Blue Card for at least six months after such stay (subsequent mobility).

**23. You resided as a family member with a holder of a European Blue Card in another EU country**

Please enclose with this application the documentary evidence showing the nature and duration of the residence in the other EU country.

**24. You are the victim of human trafficking and you are unwilling or unable to file a report of this or collaborate in another way with the criminal investigation and prosecution of the human trafficker in connection with serious threats, and/or a medical or psychological limitation and/or you being a minor.**

You do not need an MVV if you can show that you are unable or unwilling to file a report or collaborate in another way with the criminal investigation and prosecution of the human trafficker in connection with serious threats, and/or a medical or psychological limitation and/or you being a minor. You are required to prove this by means of the following evidence:

- a statement from the police showing that there are indications that you are the victim of trafficking in human beings.

Add at least one of the three following statements:

- a statement from the police showing that you cannot be expected to collaborate in the criminal proceedings because of serious threats here in this country from the trafficker in human beings; or
- a dated and signed written declaration, not older than six weeks, from a medical practitioner, including:
  - the medical practitioner's name, address and registration number under the medical practitioner in the Individual Healthcare Professions Register (BIG), or the Netherlands Institute of Psychologists register;
  - which medical symptoms you have;
  - the effect of your medical symptoms for the collaboration in the criminal proceedings.

a statement from the police or Royal Netherlands Marechaussee (KMar) stating that you, in connection with being a minor, can not be expected to collaborate with the criminal proceedings. This statement contains detailed and specific comments on your individual situation, addressing the consequences of you being a minor for the collaboration in the criminal proceedings. You will only assumed to be a minor based on identifying documents, or when established by the IND (as described in paragraph C1/2.2 of the Aliens Act Implementation Guidelines).

**25. You have been a victim of work-related exploitation without a right of residence or you have been employed as a minor without a right of residence and you are eligible for a residence permit under a restriction related to temporary humanitarian grounds or you are the minor child under his/her authority..**

There is a criminal investigation or investigation for prosecution of the former employer of the foreign national, or a trial of the former employer before the court. The foreign national cooperates with the investigation. If the criminal investigation or investigation for prosecution has already been completed, there must be a wage claim procedure before the subdistrict court as referred to in Section 23(5) of the Foreign Nationals Employment Act (in Dutch: Wet Arbeid Vreemdelingen or Wav).

**26. You have a long-term residence permit in another EU country.**

Your family members do not need to apply for an MVV either. However, these family members must have lived with you in the other EU country.

**27. You have a residence permit as a researcher under Directive (EU) 2016/801 in another EU country. You come to do research in the Netherlands on the basis of long-term mobility.**

Your family members do not need to apply for an MVV either. However, these family members must have lived with you in the other EU country.

**28. You have temporary protection and you qualify for a temporary regular residence permit with a purpose of residence related to seasonal work, work as an employee, work as a highly skilled migrant or work as a self-employed person.**

**29. You are a minor foreign national. You are eligible for a 'humanitarian temporary' or 'humanitarian non-temporary' residence permit because you have been put under supervision by the juvenile court**

Your family members who qualify for a residence permit to stay with you, also do not need to apply for an MVV

**30. Other**

You want to apply for a regular residence permit and do not have a valid or correct MVV. If none of the other grounds for MVV exemption apply to your situation, you may be able to obtain a residence permit without an MVV only if special and individual circumstances apply. Explain in a separate letter why it is not possible for you to apply for an MVV in your country of origin or country of continuous residence. State all special and individual circumstances that should be included in the assessment. Are you applying for a residence permit to stay with a family member? Please also indicate who your family members are. State whether they have the right of residence in the Netherlands and any special circumstances of these family members. Enclose the letter with the application form.

**31. How do you submit the application?**

If you rely upon one of the exemptions from the MVV-requirement, you must submit the application immediately at the counter. Submitting an application to an Immigration and Naturalisation Service (IND) counter is by appointment only. Information about making appointments can be found on the website [www.ind.nl](http://www.ind.nl). You will receive an invitation letter after making the appointment.