



Immigration and Naturalisation
Service
Ministry of Justice and Security

Family reunification in the Netherlands

Application procedure



Eligible for applying

- › Recognized refugees
- › Persons granted subsidiary protection
- › Family members of the above



Grounds for applying

- Article 29, paragraph 2 of the Aliens Act
- Article 8 of the European Convention on Human Rights
- Other provisions within the national legislation allowing family reunification

All of the above provisions are affected by the more favourable provisions of chapter V of the Family Reunification Directive if submitted within three months after refugee status or subsidiary protection has been granted to the sponsor. Save that an exception applies to family members mentioned in Article 4, paragraph 2 of the Directive.



Ways of applying (article 2s of the Aliens Act)

By the family member abroad

In person at the Dutch representation in the country of origin, continued residence or in the absence thereof in a neighboring country hosting a Dutch representation.

By the sponsor

In person, online, through regular mail or by fax with the IND.

In both situations the application must be accompanied by relevant documentation (article 1.26 Aliens Decree). If not, the applicant will be notified by the representation or the IND to provide such documents within a period of four weeks. Fees are paid by either the sponsor or the family member abroad.

The application is formally submitted when the appropriate forms have been submitted in person with the Dutch representation or received by the IND regardless of completeness. Processing is done based on the First In, First Out principle.



D-type visa

- The application is submitted to be issued a Provisional Residence Permit for purpose of entry and residence. This is a D-type visa with a maximum validity of 90 days after issuance.
- If granted, the visa must be collected within 3-6 months after the letter of approval at the Dutch representation in the country of origin, continued residence or in the absence thereof in a neighboring country hosting a Dutch representation.
- The conditions for this visa are same the conditions to be met for residence in The Netherlands.
- Therefore the residence permit is issued ex officio within 2 weeks after the arrival of the family member if no grounds for denial arise between issuance of the D-type visa and the issuance of the residence permit.
- The validity of the residence permit is issued for the duration of 5 years (article 29, paragraph 2 and brothers and sisters of unaccompanied minors applying under article 8 ECHR) or linked to the validity of sponsor's permit (article 8 ECHR or other national grounds for reunification).



Pros and cons (application by sponsor)

Pros

- Present in the Netherlands and can easily apply within three months;
- No physical presence required for applying;
- Assisted by different parties in the application process;
- Communication is easier.

Cons

- Applications are often incomplete
- Contributes to the volume of backlogs;
 - Uncertainty with sponsor/family member about reunification;
 - Potential exposure to dangerous situations of family members residing abroad;
 - Penalties for violation of statutory terms for processing of applications;
 - May affect the public support for family reunification in context of asylum



Pros and cons (application by family member)

Difficult to determine since we do not receive many applications submitted abroad.

It can be argued that The Netherlands does not have (a working) representation in every foreign country.

It can be argued that existing representations are not authorised by default to accept applications for family reunification and issue D-type visa.

It can be argued that travel to the representation by the family member abroad can be challenging, especially given the importance to submit the application in person within three months.



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Questions?