

Justitie



# Linkage Act; aliens and monitoring their residence rights to services



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## **Introduction**

The Linkage Act establishes a link between aliens' right of residence and the services provided by the government.

### **Who does it apply to?**

The Act only applies to you if you reside in the Netherlands and do not have the Dutch nationality.

### **A right to services**

The government provides various services such as social security benefits, family allowances and housing subsidies which are collectively known as public services. These services will of course only be provided if someone is entitled to them.

Furthermore, it also involves exemptions, permits and other benefits in kind.

### **Monitoring residence rights**

Before a service is provided to someone who does not possess the Dutch nationality, it will be checked whether this person is residing legally in the Netherlands.

Subsequently, it will be checked whether the type of residence rights entitles the person to any of the services because there are many different types of residence rights. For instance, a person with a permanent residence permit has more rights than a person who has a temporary residence permit.

Someone who has no right of residence and is therefore illegally residing in the Netherlands will not be entitled to any of the services.

### **This brochure**

In this brochure you will find for what public services you, as an alien, need to provide your identification, nationality and right of residence before receiving the services.

*Note: please also read 'she' where the word 'he' is given.*

## **Legal residence**

The definition of 'legal residence' is important when describing the consequences of the Linkage Act. Legal residence means that you reside in the Netherlands with the approval of the Dutch government. It is possible that you may stay in the Netherlands as a tourist for a certain period of time. It is also possible that the right to stay in the Netherlands was given to you for a longer period of time.

Your right of residence is often a reflection of the reason why you are staying in the Netherlands. For instance, you may stay in the Netherlands because your partner resides here or because you are studying or working in the Netherlands. You may also have a temporary residence permit or a residence permit that requires renewal each year. It may also be possible that you come from a European country and that you are allowed to stay in the Netherlands as a result of international agreements between European Union countries.

The type of legal residence determines the services that will be open to you. For instance, you cannot receive social assistance benefit if you merely have a tourist visa. Of course you should also meet all other conditions of the relevant service.

## **The Linkage Act; how does it work?**

Each body that provides a public service will check whether you are entitled to the service according to your right of residence as soon as you apply for such a service. They may ask you to show your residence document or to prove in any other way the type of residence rights you have. It will also be checked whether your right of residence is still up to date.

In most instances, checking your right of residence will be carried out automatically because your data has also been recorded in the Aliens Administration System (VAS) of the Aliens Police. This system has been linked to the municipal personal records database (GBA) of the municipalities.

Nearly all municipal authorities can look up in the GBA the type of residence rights you have. As soon as the body knows the type of residence rights you have, it will be determined whether you are entitled to the service requested. It is therefore important for you to make sure that your registration in the GBA is correct.

Furthermore, the body may want to have evidence of your identity and nationality.

## **What services are involved?**

All services provided by the Dutch government. As there are quite a lot of different services, this brochure will briefly discuss the most important ones. If you have any questions about a particular service you should contact the relevant body. For the following services you are at least requested to show the type of residence rights you have.

### **Education**

Institutes providing educational training are obliged to check aliens who are 18 years or older whether they are residing legally in the Netherlands before commencing the training. Aliens who are younger than 18 years are allowed to follow a course at all times.

Once a course has begun, all attendants may always finish it without the training institute checking whether the aliens are still legally residing in the Netherlands or not. This also applies to pupils or students who are of age. In all cases, people will not be entitled to a right of residence simply because they have followed a training course. If you are residing in the Netherlands illegally and you are attending a training course, you are still obliged to leave the Netherlands and you will not be allowed to complete the training course. If you want more information, please contact the training institute where you are to follow the training course.

### **Housing subsidy**

In order to be eligible for housing subsidy, you must be entered as a resident in the municipal personal records database (GBA) at the address for which the housing subsidy is intended for. Your right of residence will also be looked at. This means that when you are applying for a housing subsidy you will have to prove the type of residence rights you have. If you would like more information, please contact the Housing Department of the municipality.

### **Housing**

If you want to register for allocation of a home through a housing corporation, you should be able to prove which type of residence rights you have. If you would like more information, please contact the housing corporation or the Housing Department of the municipality.

### **Housing Allocation Act**

Some houses require a housing permit before actually allowing you to live in the house. If such is the case, you will also be asked to prove which type of residence rights you have. If you would like more information, please contact the municipality.

### **Health insurance registration**

If you want health insurance, the insurance company is obliged to check whether you are residing legally in the Netherlands. If you want more information, please contact the insurance company where you want to take out insurance.

### **Driving licence**

If you are residing in the Netherlands illegally, you may take driving lessons and even take a driving test but you will not receive a driving licence until you have a residence permit for a fixed or indefinite period of time.

### **Family allowance**

If you apply for a family allowance you must be able to prove which type of residence rights you have. If you would like more information, please contact the social insurance agency, Sociale Verzekeringsbank.

### **Social Assistance Act**

If you want to claim social assistance, you will be required to show a valid identification and prove the type of residence rights you have. If you would like more information, please contact the municipal social services (Gemeentelijke Sociale Dienst).

### **Health insurance fund**

Before registering at a health insurance fund you will have to indicate the type of residence rights you have.

## **Are there any exceptions?**

Certain services are open to all aliens, including illegal aliens. These are:

- necessary medical assistance, including preventive medical assistance such as vaccination, pregnancy care etc.;
- right of minors to education;
- right to legal assistance.

In these cases, the residence rights will not be checked to determine whether the service may be provided.

The decision to provide you with these services will always be taken by the relevant body.

### **Medical care**

If you are residing in the Netherlands illegally and require medical care, for instance because you have an injury as the result of an accident, you will naturally receive help.

Even when you need vaccination to prevent you from contracting a serious disease this will not be any problem. In case of pregnancy, you will of course be given the care you require.

### **Education**

Underage illegal aliens may follow a training course at all times. Schools or training institutes will not check whether minors reside in the Netherlands legally or not.

### **Legal aid**

In the case of legal aid you will not be checked to see whether you are staying in the Netherlands legally or not. Everyone is entitled to legal aid when this is required.



## **What will happen to services I already receive?**

During an interim check, the bodies providing the service may find that you are not eligible or no longer eligible for the services provided at that time according to your residence rights. You will then be notified that your service will be cancelled.

## **What will happen if I am too late in renewing my residence permit?**

Then you have a problem. It is possible that, during a check, the body providing the service has noticed that your permit has expired.

The service will then be cancelled. It is therefore always necessary to renew your permit at the Aliens Police in time. If you do so four weeks prior to the expiry of your permit there will certainly not be any problems. If you fail to do so, you run the risk that services will no longer be provided to you. You may even have to return to the country you came from to start a new residence permit procedure.

If you renew your residence permit too late, this will also effect the procedure for acquiring Dutch nationality.

## **What will happen if I am not entitled to a right of residence and still apply for a service?**

Your application of a service will then be rejected. The relevant body may report you to the police, although it is not obliged to do so. Tracking down illegal aliens is and will always be a task for the police. It may happen that the name and address entered into the municipal personal records database will be changed if they do not match the address you have provided.

In addition, it is possible that the service provided affects your residence rights. Should you have a residence permit allowing you to work in the Netherlands and you become unemployed, your residence permit may be revoked when you apply for benefit.

## **Definitions**

### **Public services**

All services such as benefits, subsidies or reimbursements provided by the government. In this brochure, this term also refers to other government-provided benefits in kind.

### **Legal residence**

A person who is legally residing in the Netherlands who has been granted permission by the Dutch government to stay in the Netherlands. This is evidenced by a residence document or a sticker in a person's passport containing notes about the residence. A person is also legally residing in the Netherlands if he has applied for a renewal of his permit or if he has received a decision of the Ministry of Justice stating that the deportation to the country of origin has been postponed on medical grounds.

### **Residence permit**

A document showing that you have a right of residence in the Netherlands.

### **Right of residence**

The type of right to reside in the Netherlands. This may be a temporary right in case of a studies or a permanent right in case of a residence permit for an indefinite period of time.

### **Alien**

A person residing in the Netherlands who does not possess Dutch nationality.

## Would you like more information?

If you would like general information and/or brochures, please use the joint ministries information line:

Postbus 51 Infolijn

Telephone: 0800-8051 (free of charge)

Opening hours: Monday to Friday from 9 am to 9 pm.

Internet address: [www.postbus51.nl](http://www.postbus51.nl)

E-mail: [vragen@postbus51.nl](mailto:vragen@postbus51.nl)

You may also contact:

The Ministry of Justice,

Communication Department, Internal and External Communication,

Postbus 20301

2500 EH The Hague

Telephone: 070-370 6850

Opening hours: Monday to Friday from 9 am to 5 pm.

Internet address: [www.justitie.nl](http://www.justitie.nl)

E-mail: [voorlichting@minjus.nl](mailto:voorlichting@minjus.nl)

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The Ministry of Justice is responsible for the admission of aliens into the Netherlands, their integration in Dutch society and their naturalisation procedure of becoming Dutch citizens.

**The Ministry of Justice favours fair immigration and full integration.**