

# **Netherlands Nationality Act (as in force on 8 February 2015)**

## **CHAPTER 1. General Provisions**

### Article 1

1. For the purposes of this Kingdom Act and the provisions relying thereon:
  - a. ‘Our Minister’ means Our Minister of Justice in his capacity as Minister of the Kingdom;
  - b. ‘person of full age’ means a person who has attained the age of eighteen or has married before attaining that age;
  - c. ‘mother’ means the woman with whom the child has a family relationship of the first ascending degree, other than by adoption;
  - d. ‘father’ means the man with whom the child has a family relationship of the first ascending degree, other than by adoption;
  - e. ‘alien’ means a person who does not possess Netherlands nationality;
  - f. ‘stateless person’ means a person who is not regarded as a national by any State under its legislation;
  - g. ‘admission’: permission by the competent authority with respect to a lasting place of residence of an alien in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba;
  - h. ‘principal place of residence’: the place where a person has his or her actual domicile.
2. Without prejudice to the application of Section 15A, under a, of this Act:
  - a. a spouse must also be taken to mean the partner in a partnership registered in the Netherlands, as well as the partner in a partnership registered abroad which is recognized pursuant to Articles 2 and 3 of the Act on conflict rules regarding registered partnerships (*Wet conflictenrecht geregistreerd partnerschap*), and
  - b. a marriage must also be taken to mean a partnership registered in the Netherlands, as well as a partnership registered abroad which is recognized pursuant to Articles 2 and 3 of the Act on conflict rules regarding registered partnerships.

### Article 2

1. Unless the Act provides otherwise, Netherlands nationality shall not be acquired or lost retroactively.
2. Without prejudice to cases to be laid down by general administrative order of the Kingdom, declarations and applications are to be made and submitted in person.
3. Unless provided otherwise, declarations and applications by minors must be made and submitted by their legal representatives.
4. A child, provided he or she has reached the age of twelve years, and his or her legal representative are provided with the opportunity, at their request, to express their views regarding the acquisition or co-acquisition, or grant or co-grant of Netherlands nationality. If the representation of the child is conferred on one of the parents by operation of law, the other parent may submit the same application. If a child who has reached the age of sixteen years has objections against the acquisition or co-acquisition,

or against the grant or co-grant, or if both the child and his or her legal representative or the other parent as referred to in this subsection have objections against the co-acquisition or co-grant, the child shall not acquire Netherlands nationality.

5. The declaration of solidarity is made by minors of sixteen years and over in their own right. Unless provided otherwise, they cannot be represented in this.

## **CHAPTER 2. Acquisition of Netherlands Nationality by Law**

### Article 3

1. A child shall be a Netherlands national if the father or mother is a Netherlands national at the time of his or her birth, or if the father or mother was a Netherlands national who died before his or her birth.

2. A foundling found in the territory of the Netherlands, Aruba, Curaçao or Sint Maarten or on a sea-going vessel or aircraft registered in the Netherlands, Aruba, Curaçao or Sint Maarten, shall be deemed to be the child of a Netherlands national unless it becomes apparent within five years of the day on which her or she was found that the child possesses a foreign nationality by birth.

3. A child shall be a Netherlands national if he or she is born to a father or mother who has his or her principal place of residence in the Netherlands, Aruba, Curaçao or Sint Maarten at the time of his or her birth and who was born to a father or mother who himself or herself had his or her principal place of residence in one of those countries at the time of his or her birth, provided that the child has his or her principal place of residence in the Netherlands, Aruba, Curaçao or Sint Maarten at the time of his or her birth.

### Article 4

1. In derogation from Article 3, the child of a person whose parenthood is ascertained judicially shall acquire Netherlands nationality if the child is a minor on the day of the judgment in the first instance and the parent was a Netherlands national on the day referred to in the next sentence, or, if the latter has died and was a Netherlands national on the day of his death. If it concerns a Netherlands judgment, the child shall acquire Netherlands nationality on the first day following a period of three months after the day of the judgment in the first instance or, if an appeal is instituted within this period, three months after the day of the judgment on appeal, and/or, if an appeal is taken to the Supreme Court within this latter period, on the day of the judgment in cassation. If it concerns a judgment of a foreign court, the child shall acquire Netherlands nationality on the day on which this judgment becomes final and conclusive.

2. An alien who as a minor is recognised after birth and before the age of seven by a Netherlands national shall acquire Netherlands nationality.

3. An alien who as a minor becomes the child of a Netherlands national through legitimation without recognition shall acquire Netherlands nationality.

4. An alien who as a minor is recognised after birth by a Netherlands national who proves his/her biological parenthood at the time of or within one year after the recognition shall also acquire Netherlands nationality.

5. The children of a minor who has acquired Netherlands nationality pursuant to the first, third or fourth subsection shall also acquire Netherlands nationality.

6. Further rules can be laid down by or pursuant to a general administrative order of the Kingdom with respect to the proof referred to in the fourth subsection.

#### Article 5

A child shall become a Netherlands national if he or she is adopted in the Netherlands, Aruba, Curaçao or Sint Maarten pursuant to a judicial decision, provided that the child was a minor on the day of the judgment in the first instance and that at least one of the adoptive parents is a Netherlands national on the day referred to in the next sentence. The child shall acquire Netherlands nationality on the first day following a period of three months after the day of the decision in the first instance or, if an appeal is instituted within this period, three months after the day of the decision on appeal, and/or, if an appeal is taken to the Supreme Court within this latter period, on the day of the decision in cassation.

#### Article 5a

1. A child shall also acquire Netherlands nationality if he or she is adopted abroad pursuant to a decision of a competent local authority in accordance with the Convention concluded on 29 May 1993 in The Hague, the Netherlands, on the Protection of Children and Cooperation in respect of Inter-Country Adoption, if and when the following requirements are met:

- a. the adoption is concluded in accordance with the aforementioned convention, and
- b. the previously existing family law relationships cease to exist as a result of this adoption, and
- c. at least one of the adoptive parents is a Netherlands national on the day on which the decision becomes final and conclusive, and
- d. the child was a minor on the day of the decision in the first instance.

2. A child shall also acquire Netherlands nationality if he or she is adopted in accordance with the Convention, concluded on 29 May 1993 in The Hague, the Netherlands, on the Protection of Children and Cooperation in respect of Inter-Country Adoption by an adoption which does not result in the cessation of previously existing family law relationships, which adoption is converted into an adoption under the law of the Netherlands, Aruba, Curaçao or Sint Maarten by a judicial decision in accordance with Article 27 of the aforementioned convention, if and when the following requirements are met:

- a. the adoption is concluded in accordance with the aforementioned convention; and
- b. at least one of the adoptive parents is a Netherlands national on the day after a period of three months since the decision in respect of the conversion in the first instance or on appeal has expired without an appeal or appeal in cassation being lodged, and/or, if an appeal in cassation is taken to the Supreme Court, on the day of the decision in cassation, and
- c. the child was a minor on the day of the decision in respect of the conversion in the first instance.

#### Article 5b

1. A child shall also acquire Netherlands nationality if he or she is adopted abroad pursuant to a decision of a competent local authority, if and when the following requirements are met:
  - a. the adoption complies with the conditions for recognition in the Netherlands of Article 6 or Article 7 of the Act on conflict rules regarding adoption (*Wet conflictenrecht adoptie*), and
  - b. the previously existing family law relationships cease to exist as a result of this adoption, and
  - c. at least one of the adoptive parents is a Netherlands national on the day on which the decision becomes final and conclusive, and
  - d. the child was a minor on the day of the decision in the first instance.
2. A child shall also acquire Netherlands nationality if he or she is adopted abroad by an adoption that does not result in the cessation of previously existing family law relationships, which adoption is converted into an adoption under the law of the Netherlands by a judicial decision in accordance with Article 9 of the Act on conflict rules regarding adoption, if and when the following requirements are met:
  - a. the adoption complies with the conditions for recognition in the Netherlands of Article 6 or Article 7 of the Act on conflict rules regarding adoption, and
  - b. at least one of the adoptive parents is a Netherlands national on the day after a period of three months since the decision in respect of the conversion in the first instance or on appeal has expired without an appeal or appeal in cassation being lodged, and/or, if an appeal in cassation is taken to the Supreme Court, on the day of the decision in cassation, and
  - c. the child was a minor on the day of the decision in the first instance.

#### Article 5c

The child of the person who acquires Netherlands nationality by adoption shall also acquire Netherlands nationality.

### **CHAPTER 3. Acquisition of Netherlands Nationality by Option**

#### Article 6

1. After making a written declaration to that effect, the following persons shall acquire Netherlands nationality by a confirmation referred to in the third subsection:
  - a. an admitted alien who is of full age and who was born in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba, and has his or her principal place of residence there since his or her birth;
  - b. an alien who was born in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba, and has been admitted to and who has had his or her principal place of residence there during a continuous period of at least three years and is stateless since his or her birth;
  - c. an alien who as a minor was recognized by a Netherlands national and who has not become a Netherlands national pursuant to Articles 3 or 4, provided that immediately preceding the declaration he or she had been raised and cared for during a continuous

period of at least three years by the Netherlands national by whom he or she is recognized;

d. an alien who as a minor, by a decision of a Netherlands court or at birth by operation of law, comes under the joint custody of a non-Netherlands father or mother and another who is a Netherlands national, provided that he or she after the custody is granted has been raised and cared for during a continuous period of at least three years by this Netherlands national, and provided that he or she does not have his or her principal place of residence in the country of which he or she is a subject. The fourth subsection of this Article shall not apply to the minor who at the time the declaration is made has not yet reached the age of sixteen;

e. an alien who is of full age and who has been admitted to and has his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba since attaining the age of four;

f. an alien who is of full age and who has at some time possessed either Netherlands nationality or the status of Netherlands subject non-Netherlands national and who during a minimum period of one year had been admitted for an indefinite period of time to and had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba unless he or she has lost Netherlands nationality pursuant to Article 15 first subsection under d or f;

g. an alien who for a minimum period of three years is the spouse of a Netherlands national and has been admitted to and has his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba during a continuous period of at least fifteen years;

h. an alien who has reached the age of sixty-five years and has been admitted to and has his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba during a continuous period of at least fifteen years.

i. an alien who before 1 January 1985 was born to a mother who was a national at the time of the child's birth, while the father was not a national at the time of birth;

j. an alien who before 1 January 1985 was adopted pursuant to a judicial decision by a woman who was a Netherlands national on the day that the decision became final and conclusive, and provided that the child was a minor on that day;

k. an alien who was born to a person as referred to under i or j above who acquired Netherlands nationality or died before acquiring Netherlands nationality;

l. an alien who was recognized before the age of seven by a person as referred to under i or j above who acquired Netherlands nationality or died before acquiring Netherlands nationality;

m. an alien who was recognized as a minor by his/her biological father who as referred to under i or j above acquired Netherlands nationality or died before acquiring Netherlands nationality;

n. an alien who by judicial establishment of parenthood of a person who as referred to under i or j above acquired Netherlands nationality or died before acquiring Netherlands nationality, provided that the alien was a minor on the day the judicial decision became final and conclusive;

o. An alien who was born in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba, and pursuant to a judicial decision was adopted by a person who as referred to under i or j above acquired Netherlands nationality or died before acquiring Netherlands nationality, provided that the alien was a minor on the day the judicial decision became final and conclusive.

2. When making a declaration for the purpose of acquiring Netherlands nationality, the alien who is of full age and the alien who is a minor but has reached the age of sixteen shall declare to be willing to make a declaration of solidarity upon the acquisition of Netherlands nationality. The decision on the confirmation is not proclaimed until the declaration of solidarity has actually been made.

3. The authority who receives the declaration assesses on the basis of the documents submitted the grounds on which the declaration is based. If the requirements are satisfied, it shall confirm the acquisition of Netherlands nationality in writing.

4. It shall refuse the confirmation if there are grave reasons for believing, on the ground of the behaviour of the person concerned that he or she may constitute a danger to public order, public morals or the security of the Kingdom, unless this is in conflict with international law obligations.

5. It shall decide within a period of thirteen weeks of the date of receipt of the declaration; this term may be postponed once for a maximum period of thirteen weeks.

6. If a person to whom the declaration refers has no surname or forename, or if the correct spelling thereof has not been determined, such names and the spelling thereof shall be established in consultation with this person and stated in the confirmation; where necessary, his or her name shall be transliterated into the characters in use in the Kingdom.

7. For the application of the first subsection, opening words and under a and b, the birth on a sea-going vessel or aircraft registered in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba is considered equivalent to a birth in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba.

8. The minor non-Netherlands child of the father, mother or adoptive parent as referred to in Article 11 eighth subsection who makes a declaration to acquire Netherlands nationality shall also acquire Netherlands nationality provided this is stated for that purpose in the declaration and provided that the child, without prejudice to the cases in which the declaration is made pursuant to the first subsection under c or d, has been admitted to and has his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba since the time when the declaration was made. Children of a child who co-acquires Netherlands nationality shall also acquire Netherlands nationality under the same conditions. A child who has reached the age of sixteen years when the declaration is made shall only co-acquire Netherlands nationality if he or she explicitly consents to this, if he or she makes the declaration referred to in the second subsection as well as the declaration referred to in this subsection in his or her own right and provided that no grave reasons exist to suspect him or her in the sense of the fourth subsection. The decision on the confirmation is not proclaimed until the declaration of solidarity has actually been made.

9. The alien who at some time acquired Netherlands nationality by option can, of all the possibilities to re-acquire Netherlands nationality by option as referred to in the first subsection, only rely on the first subsection under f.

#### Article 6a

The decision on the confirmation as referred to in Article 6 subsection 2 will be refused if the alien as referred to in Article 6 subsection 1 under e possesses a foreign nationality and has not made every effort to renounce that nationality and/or is not prepared to make such effort after the decision on the confirmation, unless this cannot reasonably be expected of him or her.

2. The first subsection shall not apply to:

a. an applicant who is a national of a State that is party to the Second Protocol concluded on 2 February 1993 in Strasbourg (*Tractatenblad* 1994, 265) amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality;

b. an applicant who was born in the Netherlands, Aruba, Curaçao or Sint Maarten and who has his or her principal place of residence there at the time of the application;

c. an applicant who is married to a Netherlands national;

d. an applicant who is acknowledged as a refugee in the Netherlands, Aruba, Curaçao or Sint Maarten.

3. The authority as referred in Article 6 subsection 3 assesses whether the alien complies with the requirement laid down in subsection 1 or whether the alien can rely on one of the exceptions laid down in subsection 2. If the authority decides that this is the case and that all other requirements have been met, it will confirm the acquisition of Netherlands nationality in writing.

4. The authority will ask Our Minister for advice if the alien claims that he/she cannot reasonably be expected to renounce the nationality of origin. The authority will inform the alien that Our Minister has been asked for advice and within what time period a decision regarding the option shall be taken.

5. After receiving the advice of Our Minister, the authority issues a decision in writing as regards the acquisition of Netherlands nationality.

6. The time period as referred to in Article 6 subsection 4 will be prolonged by four weeks in case the authority asks Our Minister for advice, as referred to in subsection 4.

### **CHAPTER 4. The Grant of Netherlands Nationality**

#### Article 7

1. On the recommendation of Our Minister and with due regard to the provisions of this Chapter, We shall grant Netherlands nationality to aliens who request this.

2. With regard to persons who have their principal place of residence in Aruba, Curaçao or Sint Maarten, Our Minister of Justice of Aruba, Curaçao or Sint Maarten, respectively, shall make recommendations regarding applications.

#### Article 8

1. Only the following applicants shall be eligible for the grant of Netherlands nationality pursuant to Article 7:

- a. those who are of full age;
- b. whose residence for an unlimited period in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba does not meet with any objection;
- c. who has been admitted to and has had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba for a minimum period of five years immediately preceding his or her application;
- d. who may be deemed to have been assimilated into the Kingdom and the country of principal residence on the ground that he or she has a reasonable knowledge of the Dutch language to be determined by general administrative order of the Kingdom and —if he or she has his or her principal place of residence in Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba—of the language in common use on the island on which he or she has his or her principal place of residence in addition to the Dutch language, as well as knowledge of the political system and society of the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba, and who has also otherwise integrated in one these societies; and
- e. who declare to be willing to make a declaration of solidarity upon the acquisition of Netherlands nationality. The decision on the grant is not proclaimed until the declaration of solidarity has actually been made.

2. The first subsection under c shall not apply to an applicant who has at some time possessed either Netherlands nationality or the status of Netherlands subject non-Netherlands national, or who has been the spouse of and has been living with a Netherlands national for a period of at least three years, or since coming of age has been adopted in the Netherlands, Aruba, Curaçao or Sint Maarten parents at least one of whom possesses Netherlands nationality.

3. The period referred to in the first subsection under c shall be two years for the person who has been admitted to and has had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba for a total period of at least ten years.

4. The period referred to in the first subsection under c shall be three years for an applicant who has either been living with a Netherlands national in a permanent relationship other than marriage for a continuous period of at least three years, or who is stateless.

5. The period referred to in the first subsection under c shall also be three years for an applicant who by recognition or legitimation without recognition has become the child of a Netherlands national. As regards an applicant who was recognized or legitimated when he or she was a minor, the three-year term is reduced by the continuous period immediately preceding his or her coming of age during which he or she was raised and cared for by the Netherlands national by whom he or she was recognized or whose child he or she had become by legitimation without recognition.

6. A general administrative order of the Kingdom laid down pursuant to the first subsection under d does not enter into force until four weeks after the date of publication of the *Staatsblad* in which it is published. Both houses of the States-General shall be promptly informed of this publication.

## Article 9

1. An application by an alien who fulfils the conditions laid down in Articles 7 and 8 shall nevertheless be refused if
  - a. there are grave reasons for believing, on the ground of the behaviour of the applicant that he or she constitutes a danger to public order, public morals or the safety of the Kingdom;
  - b. the applicant possessing a foreign nationality has not made every effort to renounce that nationality and/or is not prepared to make such effort after his or her naturalisation, unless this cannot reasonably be expected of him or her;
  - c. an applicant to whom one of the exceptions referred to in Article 8 second subsection applies has his or her principal place of residence in the country of which he or she is a subject.
2. If an applicant has lost Netherlands nationality pursuant to Article 16 first subsection, the application on the ground laid down in the first subsection under 'a' may only be refused if he or she was convicted for a criminal offence against the safety of the Kingdom or sentenced to a prison term of a minimum period of five years for another criminal offence during the ten years preceding the application.
3. The first subsection, opening words and under b shall not apply to
  - a. an applicant who is a national of a State that is party to the Second Protocol concluded on 2 February 1993 in Strasbourg (*Tractatenblad* 1994, 265) amending the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality;
  - b. an applicant who was born in the Netherlands, Aruba, Curaçao or Sint Maarten and who has his or her principal place of residence there at the time of the application;
  - c. an applicant who is married to a Netherlands national;
  - d. an applicant who is acknowledged as a refugee in the Netherlands, Aruba, Curaçao or Sint Maarten.
4. A decision on the application shall be taken within one year of payment of the fee referred to in Article 13 or of the decision to grant an exemption of payment and/or of the receipt of the requested supplement to the application, necessary for its assessment. The decision may be held over for a maximum period of six months on not more than two occasions.
5. Decisions to refuse or hold over applications to grant Netherlands nationality may be taken by Our Minister.

## Article 10

In exceptional cases We may, after hearing the Council of State of the Kingdom, grant Netherlands nationality on grounds other than those laid down in Article 8 first subsection, opening words and under a, c and d, Article 9 first subsection, opening words and under c, and the term referred to in Article 11, third, fourth and fifth subsection.

## Article 11

1. The minor non-Netherlands child of a father or mother who has been granted Netherlands nationality shall also be granted Netherlands nationality provided this has been explicitly stipulated in the decree. The application for the co-grant shall be submitted together with the application to grant Netherlands nationality.

2. An application by the father or the mother to co-grant Netherlands nationality to a child under 16 years of age shall be granted if the child has been admitted for an unlimited period of time to and had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba at the time of the application.

3. An application by the father or mother to co-grant Netherlands nationality to a child who has reached the age of 16 years at the time of the application shall be granted if the child had been admitted for an unlimited period of time to and had his or her principal place of residence for a continuous period of at least three years immediately preceding the application and to whom no grounds for dismissal apply as referred to in Article 9 first subsection, opening words and under a, including the second subsection of that Article. He or she shall only acquire Netherlands nationality if he or she explicitly consents to this and is prepared to make a declaration of solidarity. The decision on the grant is not proclaimed until the declaration of solidarity has actually been made.

4. Netherlands nationality shall, at his or her request, be granted to a minor non-Netherlands child of a father or mother who has acquired Netherlands nationality by option or to whom it is granted, who did not co-acquire Netherlands nationality, provided it had been admitted for an unlimited period of time to and had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba for a continuous period of at least three years immediately preceding the application. The period concerning admission and principal place of residence shall not apply to a child born after his or her parent has submitted the declaration referred to in Article 6 first subsection or the application referred to in Article 7 first subsection. Netherlands nationality is only granted to a child who has reached the age of sixteen years at the time of the application subject to his or her explicit consent, if he or she is willing to make a declaration of solidarity upon the acquisition of Netherlands nationality, and to whom no grounds for dismissal apply as referred to in Article 9, opening words and under a, including the second subsection of that Article. The decision on the grant is not proclaimed until the declaration of solidarity has actually been made.

5. Netherlands nationality shall, at his or her request, be granted to a non-Netherlands child of a father or mother who has acquired Netherlands nationality by option or to whom it was granted, who was a minor at the time of the declaration or the application by that parent and who did not co-acquire Netherlands nationality because he or she had come of age:

a. provided that he or she had been admitted to and had his or her principal place of residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba for a continuous period of at least three years immediately preceding the application and commencing prior to his or her coming of age,

b. provided that he or she is willing to make a declaration of solidarity upon the acquisition of Netherlands nationality and

c. to whom no grounds of dismissal apply as referred to in Article 9 first subsection, opening words and under a, including the second subsection of that Article.

The decision on the grant is not proclaimed until the declaration of solidarity has actually been made.

6. The requirements concerning admission and principal place of residence of the second and third subsection shall not apply to a minor child of a father or mother who has his or her principal place of residence abroad and who acquires Netherlands nationality by application of the second subsection of Article 8, provided the child forms an actual part of the family of this parent and does not have his or her principal place of residence in the country of which he or she is a national.

7. Children of a child that is co-granted Netherlands nationality shall also be granted Netherlands nationality under the same conditions.

8. For the application of this Article, father or mother must also be taken to mean the adoptive parent, provided the adoption took place in accordance with the rules of Netherlands private international law and the adoption had resulted in the cessation of the previously existing family law relationships.

#### Article 12

1. If the applicant has no surname or forename, or if the correct spelling thereof has not been determined, such names and the spelling thereof shall be established in consultation with the applicant in the decree granting Netherlands nationality.

2. Where necessary, the name of the applicant shall be transliterated into the characters in use in the Kingdom and it may be changed with the consent of the applicant in the decree granting Netherlands nationality, if this in the interest of his or her assimilation.

#### Article 13

1. Rules shall be laid down by general administrative order of the Kingdom with respect to the fee to be paid for making and handling the declaration of option and the application for granting Netherlands nationality, the cases in which full or partial exemption may be granted and the manner in which payment must be made.

2. Rules shall be laid down by general administrative order of the Kingdom with respect to proof of admission to one of the countries of the Kingdom.

### **CHAPTER 5. Loss of Netherlands Nationality**

#### Article 14

1. Our Minister may revoke the acquisition or grant of Netherlands nationality if it is based on a false declaration made by the person concerned or fraud and/or on concealment of any fact relevant to the acquisition or grant. The revocation has retroactive effect to the time of the acquisition or grant of Netherlands nationality. The revocation is not possible following the expiration of a period of twelve years from the acquisition or grant of Netherlands nationality. The third sentence shall not apply if the person concerned is convicted for criminal offences referred to in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court of 17 July 1998 (*Trb.* 2000, 120).

2. Our Minister may revoke Netherlands nationality of a person who by a final and conclusive court judgment has been convicted for:

- a. a criminal offence referred to in titles I until IV of the Second Book of the Netherlands Penal Code that carries a prison sentence of eight years or more;
- b. a criminal offence referred to in Articles 83 or 205 of the Netherlands Penal Code;

- c. a criminal offence similar to the criminal offences referred to under ‘a’ that carries a prison sentence of eight years or more according to one of the Penal Codes of the countries forming the Kingdom, or a criminal offence that according to one of the Penal Codes of the countries forming the Kingdom is similar to the criminal offences referred to under b;
  - d. a criminal offence referred to in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court of 17 July 1998 (*Trb.* 2000, 120).
3. The person who lost Netherlands nationality pursuant to subsection 2 cannot reacquire Netherlands nationality. We may, after hearing the Council of State of the Kingdom, under special circumstances deviate from the first sentence if at least five years have passed since the loss of Netherlands nationality.
4. Netherlands nationality is lost by a minor on cessation of the family law relationship on which it is based pursuant to Articles 3, 4, 5, 5a, 5b, 5c, or 6 first subsection, opening words and under c, and pursuant to Article 4 as it read until the coming into force of the Kingdom Act of 21 December 2000 amending the Kingdom Act on Netherlands Nationality with respect to the acquisition, grant and loss of Netherlands nationality (*Staatsblad* 618) and Article 5 as it read until the coming into force of the Kingdom Act of 3 July 2003 modifying the Kingdom Act on Netherlands Nationality in connection with the enactment of the Act on conflict rules regarding adoption (*Staatsblad* 284). The loss referred to in the first sentence shall not occur if the other parent was a Netherlands national at the time of the cessation of that relationship or if this parent was a Netherlands national at the time of his or her death. Nor does the loss occur if Netherlands nationality can also be based on Article 3 third subsection or Article 2 under a of the Netherlands Nationality and Residence Act (*Wet op het Nederlanderschap en het ingezetenschap*) of 12 December 1892 (*Staatsblad* 268).
5. Netherlands nationality may only be lost pursuant to one of the provisions of this chapter.
6. Without prejudice to the case referred to in the first subsection, Netherlands nationality may not be lost if this would lead to statelessness.

#### Article 15

1. A person who is of full age shall lose his or her Netherlands nationality:
- a. by acquiring another nationality of his or her own free will;
  - b. by making a declaration of renunciation;
  - c. if he or she also has a foreign nationality and, after coming of age and while possessing both nationalities, has his or her principal place of residence for a continuous period of ten years outside the Netherlands, Aruba, Curaçao, Sint Maarten, and outside the areas to which the Treaty on European Union applies, other than in the service of the Netherlands, Aruba, Curaçao, Sint Maarten and/or of an international body at which the Kingdom is represented, or as the spouse of or as an unmarried person in a permanent relationship living with a person in such a service;
  - d. by Our Minister’s revocation of the decree granting Netherlands nationality, which may take place if the person concerned has failed, after his or her naturalisation, to make every effort to divest himself of his or her original nationality;

- e. if he or she, of his or her own free will, takes military service with a foreign power involved in actions against the Kingdom and/or against an alliance of which the Kingdom is a member
  - f. by Our Minister's revocation of the decree confirming the acquisition of Netherlands nationality, which may take place if the alien as referred to in Article 6 first subsection under e has failed to make every effort to divest himself of his or her original nationality;
2. The first subsection, opening words and under a, does not apply to the acquirer
- a. who was born in the country of that other nationality and has his or her principal place of residence there at the time of the acquisition;
  - b. who before coming of age has had his or her principal place of residence in the country of that other nationality for a continuous period of at least five years;
  - c. who is married to a person possessing that other nationality.
3. The period referred to in the first subsection under c is not deemed to be interrupted if the person concerned has his or her principal place of residence for a period shorter than one year in the Netherlands, Aruba, Curaçao, Sint Maarten and/or in the areas to which the Treaty on European Union applies.
4. The period referred to in the first subsection under c is interrupted by issuing a declaration with respect to the possession of Netherlands nationality and/or a travel document within the meaning of the Passport Act (*Paspoortwet*). A new period of ten years commences as from the day of issue.

#### Article 15A

A person who is of full age shall also lose his or her Netherlands nationality:

- a. if he or she acquires the nationality of a Contracting State to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, concluded in Strasbourg on 6 May 1963 (*Tractatenblad* 1964, no 4), as a result of an explicit declaration of intention by naturalisation, option or resumption and this Convention implies that loss. However, the foregoing does not apply if this State is also party to the Second Protocol amending that Convention (*Tractatenblad* 1994, no 265) and the person involved belongs to one of the categories referred to in Article 15 second subsection;
- b. if he or she acquires Surinamese nationality under the Agreement between the Kingdom of the Netherlands and the Republic of Surinam concerning the assignment of nationals concluded on 25 November 1975 in Paramaribo (*Tractatenblad* 1975, no 132).

#### Article 16

1. A minor shall lose his or her Netherlands nationality:

- a. by judicial establishment of parenthood, recognition, legitimation or adoption by an alien, if he or she thereby acquires the nationality of the alien or already possesses it;
- b. by making a declaration of renunciation if he or she possesses the nationality of the father, mother or adoptive parent as referred to in Article 11 eighth subsection;
- c. if his or her father or mother acquires another nationality of his or her own free will and the minor thereby also acquires the foreign nationality or already possesses it;
- d. if his or her father or mother loses his or her Netherlands nationality pursuant to Article 15 first subsection under b, c or d or pursuant to Article 15A;

e. if he or she acquires the same nationality as his or her father or mother in his or her own right.

For the application of parts c, d and e, father or mother must also be taken to mean the adoptive parent from whom the minor acquired Netherlands nationality, and the person who exercises joint custody over the minor and from whom the minor acquired Netherlands nationality. The declaration of renunciation as referred to in part b has no legal effect until the minor who has reached the age of twelve and, on his or her request, the parent who is not a legal representative, have been heard. Renunciation is not possible if the child and that parent have objections to that. The minor who has reached the age of sixteen years shall make the declaration of renunciation in his or her own right and cannot be represented in this.

2. The loss of Netherlands nationality referred to in the first subsection shall not occur:

- a. if and for as long as a parent possesses Netherlands nationality;
- b. if a parent dies after the time at which Netherlands nationality would be lost pursuant to the first subsection;
- c. if a parent dies as a Netherlands national before the time at which Netherlands nationality would be lost pursuant to the first subsection;
- d. if the minor complies with Article 3 third subsection or Article 2 under a of the Netherlands Nationality and Residence Act of 12 December 1892 (*Staatsblad* 268), without prejudice to the case referred to in the first subsection under b;
- e. if the minor was born in the country of the nationality acquired by him or her and has his or her principal place of residence there at the time of the acquisition, without prejudice to the case referred to in the first subsection under b;
- f. if the minor has or has had his or her principal place of residence in the country of the nationality acquired by him or her for a continuous period of at least five years, without prejudice to the case referred to in the first subsection under b; or
- g. if, in the case referred to in the first subsection under e, a parent is a Netherlands national at the time of the acquisition.

For the application of parts a, b, c and g, a parent must also be taken to mean the adoptive parent as referred to in Article 11 eighth subsection, and the person who exercises joint custody over the minor and from whom the minor acquired Netherlands nationality.

#### Article 16A

In addition, a minor shall lose Netherlands nationality if he or she acquires the nationality of a Contracting State to the Convention on the Reduction of Cases of Multiple Nationality and Military Obligations in Cases of Multiple Nationality, concluded in Strasbourg on 6 May 1963 (*Tractatenblad* 1964, no 4), as a result of an explicit declaration of intention by naturalisation, option or resumption and this Convention implies that loss. The foregoing shall not apply if this State is also party to the Second Protocol amending that Convention (*Tractatenblad* 1994, no 265) and the person involved belongs to one of the categories referred to in Article 16 second subsection under e, f and g.

## **CHAPTER 6. Establishing Netherlands Nationality**

#### Article 17

1. Any person who has an immediate interest in a case instituted other than before a judicial body or administrative appeals tribunal in any part of the Kingdom, may submit to The Hague District Court or, if he or she is resident in Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustasius and Saba, to the Court of Justice of Aruba, Curaçao, Sint Maarten and the public bodies of Bonaire, Sint Eustasius and Saba an application for an order confirming either that he or she does or does not possess Netherlands nationality. Application may also be made for an order establishing whether the person concerned did or did not possess Netherlands nationality at a certain time.
2. An application as referred to in the immediately preceding subsection may also be made with respect to a deceased person.

#### Article 18

1. Concerning applications referred to in the immediately preceding Article the District Court or the Court of Justice, respectively, shall hear the Public Prosecutions Department.
2. The interested parties may only lodge an appeal in cassation against the order.

#### Article 19

An order which is made under Article 17 and has become final shall be binding on all bodies charged with the enforcement of any statutory regulation.

#### Article 20

1. If, in a case instituted before a judicial body in the Netherlands, Aruba, Curaçao or Sint Maarten, it is uncertain whether an interested party involved in the case possesses Netherlands nationality or possessed it at an earlier date, the court in question may seek the advice of Our Minister, Our Minister of Justice of Aruba, Curaçao or Sint Maarten, respectively.
2. If, in a case instituted before an administrative appeals tribunal in the Netherlands, respectively Aruba, Curaçao or Sint Maarten, there is uncertainty as referred to in subsection 1, the tribunal shall hold over the case and request the advice of Our Minister, respectively Our Minister of Justice of Aruba, Curaçao or Sint Maarten.
3. The proceedings of the case shall be resumed immediately upon receipt of the advice referred to in subsections 1 and 2.

### **CHAPTER 7. Declarations and Official Registers**

#### Article 21

The authorities and public officials who are authorized to receive applications for the grant and declarations of the acquisition of Netherlands nationality, and declarations of renunciation thereof, shall be designated by a general administrative order of the Kingdom; further regulations may be laid down in this order with respect to both the manner in which the declarations and applications, and the confirmations referred to in Article 6 must be received and with respect to the further administrative treatment of the acquisition and grant of Netherlands nationality.

#### Article 22

1. Our Minister shall keep a public record of:
  - a. declarations of acquisition and renunciation of Netherlands nationality;
  - b. the confirmations, referred to in the third subsection of Article 6 and in Article 28;
  - c. the grant of Netherlands nationality;
  - d. the revocations referred to in the first subsection of Article 14, and Article 15 first subsection under d.
2. Our Ministers of Justice of Aruba, Curaçao and Sint Maarten shall keep a public register of the documents referred to in the first subsection that concern residents in their country.

## **CHAPTER 8. Final Provisions**

### Article 23

1. By or pursuant to a general administrative order of the Kingdom, we may lay down further regulations relating to the implementation of this Act.
2. The declaration of solidarity, referred to in Article 6 second subsection, Article 8 first subsection under e and Article 11 third, fourth and fifth subsection, shall be made with the following words: *I swear (declare) that I respect the constitutional order of the Kingdom of the Netherlands, its freedoms and rights and I swear (promise) to faithfully fulfil the duties resulting from Netherlands nationality.* The person who makes the declaration shall add as a confirmation: *So help me God, or: This I declare and promise.*
3. The cases in which making a declaration, in derogation of Article 6 second subsection, Article 6 eighth subsection, Article 8 first subsection under e, Article 11 third and fourth subsection, Article 11 fifth subsection under b, Article 26 third subsection and Article 28 third subsection shall not be asked or cannot reasonably be asked and the way in which this declaration can be made, shall be determined by or pursuant to a general administrative order of the Kingdom.

### Article 24

1. This Kingdom Act may be cited as the ‘Netherlands Nationality Act’. It shall enter into force on a date to be determined by Us. We may designate an alternative date for the entry into force of Chapter 6.
2. The Act of 12 December 1892 (*Staatsblad* 268) governing Netherlands Nationality and Residence is revoked.

## **CHAPTER 9. Transitional Provisions**

### Article 25

Persons who on entry into force of this Act already possess Netherlands nationality shall also be Netherlands nationals within the meaning of the Act.

### Article 26

1. The requirement of admission and principal place of residence, referred to in Article 6 first subsection under f, shall not apply to an alien who, after coming of age, has lost Netherlands nationality as a result of acquiring another nationality pursuant to Article 5 (old) as this read up to 1 March 1964 and Article 7, opening words and first or third, of

the Act of 12 December 1892 (*Staatsblad* 268) governing Netherlands Nationality and Residence, and/or has lost this pursuant to Article 15, opening words and under a, if the person:

- a. was born in the country of the other nationality and had his or her principal place of residence there at the time of the acquisition;
- b. had his or her principal place of residence in the country of the other nationality for a continuous period of at least five years before coming of age; or
- c. was married to a person of that other nationality at the time of the acquisition of that other nationality.

2. The first subsection shall not apply to an alien who after the entry into force of this provision was a national of the State of the other nationality for a minimum period of ten years.

3. A minor non-Netherlands child of the father or mother who is the alien referred to in the first subsection, shall also acquire the latter's nationality if he or she is included in the declaration to that effect. Children of a child co-acquiring Netherlands nationality also acquire Netherlands nationality under the same conditions. A child that has attained the age of sixteen when the declaration is made shall only co-acquire Netherlands nationality if he or she explicitly consents to this, if he or she actually makes the declaration referred to in Article 6 second subsection, and provided that no grave reasons exist to suspect him or her in the sense of the fourth subsection of that Article. The decision on the confirmation is not proclaimed until the declaration of solidarity has actually been made. Article 11 eighth subsection shall apply *mutatis mutandis*.

#### Article 27

1. Article 3 of this Act shall only apply to children born after the entry into force of this Act.

2. Article 3 third subsection as modified by the Kingdom Act of 21 December 2000 amending the Kingdom Act on Netherlands nationality with respect to the acquisition, grant and loss of Netherlands nationality (*Staatsblad* 618) shall only apply to children born after the entry into force of that Act.

#### Article 28

1. A woman who lost her Netherlands nationality through or in connection with her marriage concluded before the entry into force of this Act, shall acquire Netherlands nationality by making a written declaration to that effect followed by a confirmation, which must be made within a year of the dissolution of that marriage or within a year after she was in a position to learn of such dissolution. Acquisition of Netherlands nationality in this manner shall be retroactive to the date of dissolution of the marriage.

2. Article 6 third up to and including sixth subsection shall apply *mutatis mutandis*.

3. The minor non-Dutch child of the person referred to in the first subsection who is the mother or adoptive parent as referred to in Article 11 eighth subsection shall also acquire Netherlands nationality if he or she is included in the declaration to that effect. Children of a child co-acquiring Netherlands nationality shall also acquire Netherlands nationality under the same conditions. A child who has attained the age of sixteen when the declaration is made shall only co-acquire Netherlands nationality if he or she explicitly consents to this, if he or she actually makes the declaration referred to in Article 6 second

subsection, and provided that no grave reasons exist to suspect him or her in the sense of the fourth subsection of that Article. The decision on the confirmation is not proclaimed until the declaration of solidarity has actually been made.

#### Article 29

For the application of the Kingdom Act on Netherlands Nationality and its provisions, the time periods spent as principal place of residence in the Netherlands Antilles before the entry into force of the Kingdom Act adjusting [several] kingdom acts in relation to the creation of new countries [*Staatsblad* 2010, 339] are counted as if these time periods were spent in Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Saba and Sint Eustasius.

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Note on translation

Translation by:

Dr. Olivier Vonk (Maastricht University), based on a no longer available translation from Refworld (<http://www.refworld.org/cgi-bin/tehis/vtx/rwmain>).

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