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## **Kingdom Act on Dutch Citizenship In force since 01-08-2018 and currently**

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Kingdom Act dated 19 December 1984 determining new, general provisions on the Dutch citizenship replacing the Kingdom Act dated 12 December 1892, Stb. 268 On Dutch Citizenship and Residency

We Beatrix, by the grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc. etc. etc.

Everyone who shall see or hear it read, salut! and be aware of the following:

Thus, we, having considered that in connection with the ratification of the Convention on the Reduction of Statelessness concluded in New York on 30 August 1961 (Trb. 1967, 124), the Convention on the Reduction of Cases of Multiple Citizenship and Military Obligations in Cases of Multiple Citizenship concluded in Strasbourg on 6 May 1963 (Trb. 1964, 4) and the Convention to Reduce the Number of Cases of Statelessness signed on 13 September 1973 in Bern (Trb. 1974, 32), in order to fully review the Law dated 12 December 1892, Stb. 268 on the Dutch Citizenship and Residency and to adopt new general provisions on Dutch citizenship to replace that law;

Therefore, We, having heard the Council of State of the Kingdom and in joint consultation with the States General, observing the provisions of the Charter for the Kingdom, have approved and understood, as well as approve and understand hereby:

### **Chapter 1. General provisions**

#### **Article 1**

1. In the present Law and provisions based thereupon terms shall be understood as follows:
  - a. Our Minister: Our Minister of Justice in his capacity as minister of the Kingdom;
  - b. adult: a person who has reached the age of eighteen years or has prior to it entered into marriage;
  - c. mother: the woman with whom a child, otherwise than through adoption, has a family legal relation of the first degree in the ascending line;
  - d. father: the man with whom a child, otherwise than through adoption, has a family legal relation of the first degree in the ascending line;
  - e. foreigner: a person not in possession of the Dutch citizenship;
  - f. stateless: a person who is not considered citizen by any state by virtue of its legislation;
  - g. admission: approval of the permanent residence of a foreigner by competent authorities in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba;
  - h. principal residence: the place where a person has his/her actual residence.
2. Except for the application of Article 15A (a), terms shall be understood in the present Kingdom Act as follows:
  - a. spouse: the partner in a partnership registered in the Netherlands, as well as the partner in a partnership registered outside the Netherlands that based on Articles 2 and 3 of the Conflict of Laws on Registered Partnership Act is recognized as a registered partnership, and
  - b. marriage: a partnership registered in the Netherlands as well as a partnership registered outside the Netherlands that based on Articles 2 and 3 of the Conflict of Laws on Registered Partnership Act is recognized as a registered partnership.

#### **Article 2**

1. Unless otherwise provided by the law, the acquisition and the loss of the Dutch citizenship shall have no retroactive effect.

2. Except for cases determined by order in council for the Kingdom declarations and requests shall be made and submitted in person.
3. Unless provided for otherwise, declarations and requests of minors shall be made and submitted by their legal representatives.
4. A child, if it has reached the age of 12, and its legal representative, shall be given, upon their request, an opportunity to express their opinion as to the acquisition or co-acquisition, the granting or co-granting of the Dutch citizenship. Shall the representation of a child by virtue of the law be entrusted to either of the parents, another parent may make the same request. Shall a child who has reached the age of sixteen have concerns as to the acquisition or co-acquisition, or granting or co-granting, or shall both a child and its legal representative or a parent meant in this paragraph have concerns as to the acquisition or co-acquisition, or granting or co-granting, the child shall not share it.
5. A declaration of relationship by minors of sixteen years and older shall be made independently. Unless provided for otherwise, they may not be represented therein.

## **Chapter 2. Acquisition of Dutch citizenship by operation of the law**

### **Article 3**

1. A child, whose father or mother is Dutch at the moment of its birth, as well as a child of a Dutch citizen who has passed away earlier, is of Dutch citizenship.
2. A child found in the territory of the Netherlands, respectively Aruba, Curaçao or Sint Maarten, or on board a sea vessel or an aircraft registered in the Netherlands, Aruba, Curaçao or Sint Maarten, shall be considered a child of a Dutch citizen, unless within five years starting from the day when it was found it turns out, that the child has other citizenship by birth.
3. A child of a father or mother who at the moment of the birth of the child has his or her principal residence in the Netherlands, Aruba, Curaçao or Sint Maarten and who was himself/herself born as a child of a father or mother who at the moment of his or her birth had principal residence in either country, is of Dutch citizenship, provided that the child at the moment of its birth has its principal residence in the Netherlands, Aruba, Curaçao or Sint Maarten.

### **Article 4**

1. Notwithstanding provisions of Article 3, a child of a person whose parenthood is established in court is of Dutch citizenship, provided that the child was minor on the day of the first instance decision of and the parent is of Dutch citizenship on the day referred to in the following sentence, or, in case the latter has passed away, was of Dutch citizenship on the day of death. Shall a Dutch judicial decision be concerned, the child shall acquire the Dutch citizenship on the first day after the period of three months starting from the day when the decision of the first instance is made or, shall an appeal be lodged within this period, of three months starting from the day when appeal decision is made, or shall within this latter period a cassation appeal be lodged, on the day when cassation decision is made. Shall a foreign judicial decision be concerned, the child shall acquire the Dutch citizenship on the day when this decision enters irrevocably in force.
2. A minor foreigner who after his/her birth and before reaching the age of seven is acknowledged by a Dutch citizen is of Dutch citizenship.
3. A minor foreigner who becomes a child of a Dutch citizen without acknowledgement through legitimation is of Dutch citizenship.

4. A minor foreigner who after his/her birth is acknowledged by a Dutch citizen who proves his/her biological parenthood before or within a period of one year after the recognition is also of Dutch citizenship.
5. Children of a minor foreigner who shall acquire Dutch citizenship based on the provisions of paragraphs one, three or four, shall share this acquisition.
6. Further rules may be provided with regard to the evidence referred to in paragraph four by or by virtue of order in council for the Kingdom.

#### **Article 5**

A child adopted in the Netherlands, Aruba, Curaçao or Sint Maarten based on a judicial decision is of Dutch citizenship, if the child was minor on the day when decision of the first instance was made and at least one of the adopting parents is of Dutch citizenship on the day referred to in the following sentence. A child shall acquire the Dutch citizenship on the first day after the period of three months, starting from the day when the decision of the first instance is made or, shall an appeal be lodged within this period, of three months starting from the day when appeal decision is made, or shall within this latter period a cassation appeal be lodged, on the day when cassation decision is made.

#### **Article 5a**

1. A child adopted abroad by virtue of a decision of the authorities competent there in accordance with Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption concluded on 29 May 1993 in The Hague, is also of Dutch citizenship, if and at the moment in time when the following conditions are met:
  - a. the adoption is in accordance with the convention referred to above, and
  - b. the adoption results in the termination of family legal relationship that existed earlier, and
  - c. at least one of the adopting parents is of Dutch citizenship on the day when that decision entered irrevocably into force, and
  - d. the child was minor on the day of the decision of the first instance.
2. A child adopted abroad in accordance with the agreement made on 29 May 1993 in 's-Gravenhage on the protection of children and cooperation in the field of intercountry adoption by virtue of an adoption that does not result in the termination of the family legal relationship that existed earlier which in the Netherlands, Aruba, Curaçao or Sint Maarten is converted in an adoption under the law of the Netherlands, Aruba, Curaçao or Sint Maarten by a judicial decision in line with Article 27 of the agreement referred to above, is of Dutch citizenship, if and at the moment in time when the following conditions are met:
  - a. the adoption is in accordance with the agreement referred to above; and
  - b. at least one of the adopting parents is of Dutch citizenship on the day after the end of three months starting from the day of the decision on converting in the first instance or in appeal without an appeal or a cassation appeal having been lodged within this time, or if a cassation appeal is lodged, on the day of the cassation decision; and
  - c. the child was minor on the day of the decision in the first instance on converting.

#### **Article 5b**

1. A child adopted abroad by virtue of a decision of the authorities competent there is also of Dutch citizenship, if and at the moment in time when the following conditions are met:
  - a. the adoption meets conditions for recognition in the Netherlands under Articles 6 and 8 of the Conflict of Laws on Adoption Act, and
  - b. the adoption results in the termination of family legal relationship that existed earlier, and

- c. at least one of the adopting parents is of Dutch citizenship on the day when that decision entered irrevocably into force, and
  - d. the child was minor on the day of the decision of the first instance.
2. A child adopted abroad by virtue of an adoption that does not result in the termination of family legal relationship that existed before which in the Netherlands by virtue of a judicial decision in line with Article 9 of the Conflict of Laws on Adoption Act is converted into an adoption under the law of the Netherlands, is also of Dutch citizenship if and at the moment in time when the following conditions are met:
- a. the adoption meets conditions for recognition in the Netherlands under Articles 6 and 8 of the Conflict of Laws on Adoption Act, and
  - b. at least one of the adopting parents is of Dutch citizenship on the day after the end of three months starting from the day of the decision on converting in the first instance or in appeal without an appeal or a cassation appeal having been lodged within this time, or if a cassation appeal is lodged, on the day of the cassation decision; and
  - c. the child was minor on the day of the decision in the first instance on converting.

#### **Article 5c**

A child of a person who shall acquire the Dutch citizenship through adoption shall share this acquisition.

### **Chapter 3. Acquisition of Dutch citizenship through option**

#### **Article 6**

1. After a written statement to that effect is made, Dutch citizenship shall be acquired by means of a confirmation as referred to in paragraph three by:
  - a. admitted adult foreigner who was born in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba and since then has his/her principal residence there;
  - b. a foreigner who was born in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba and has admission and principal residence there during an uninterrupted period of at least three years and is stateless since his/her birth;
  - c. a minor foreigner who is acknowledged by a Dutch citizen and who is not of Dutch citizenship nor acquired Dutch citizenship based on Articles 3 and 4, if he/she immediately before the statement enjoyed care and upbringing by a Dutch citizen by whom he/she is recognized during an uninterrupted period of at least three years;
  - d. a minor foreigner who by virtue of a Dutch judicial decision or by his/her birth by operation of the law came under joint authority of a non-Dutch father or mother and a Dutch citizen, if he/she after establishment of the authority enjoyed care and upbringing by this Dutch citizen during an uninterrupted period of at least three years, and he/she does not have his/her principal residence in the country where he/she is a citizen. Paragraph four of the present article shall not be applicable to a minor who at the moment when the statement is made has not yet reached the age of sixteen;
  - e. a minor foreigner who after reaching the age of four has admission and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba;
  - f. an adult foreigner who was at some time of Dutch citizenship or had a status of a non-Dutch Dutch citizen and has had admission for an indefinite period and principal residence for at least a year in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba unless he/she has lost Dutch citizenship based on Article 15 (1) (d) or (e);

- g. a foreigner who during a period of at least three years is the spouse of a Dutch citizen and has admission and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba;
  - h. a foreigner who has reached the age of sixty five and during an uninterrupted period of at least fifteen years has admission and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba;
  - i. a foreigner who was born before 1 January 1985 from a mother who at the moment of his/her birth had Dutch citizenship, while the father at the time of his/her birth was non-Dutch;
  - j. a child adopted by virtue of a judicial decision in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba before 1 January 1985 of a woman who on the day when the decision entered irrevocably into force was of Dutch citizenship, if the child was minor on the day of the decision of the first instance;
  - k. a foreigner who was born as a child of a person referred to in clauses (i) or (j) who acquired Dutch citizenship or passed away before such acquisition;
  - l. a foreigner who before the age of seven is recognized by a person referred to in clauses (i) or (j) who acquired Dutch citizenship or passed away before such acquisition;
  - m. a foreigner who was recognized within the period of his/her minority by a person referred to in clauses (i) or (j) who acquired Dutch citizenship or passed away before such acquisition, while he/she proves that this person is the biological father;
  - n. a foreigner who is a child of a person referred to in clauses (i) or (j) who acquired Dutch citizenship or passed away before such acquisition by virtue of judicial establishment of parenthood, if he/she was minor on the day of the decision of the first instance;
  - o. a child adopted by virtue of a judicial decision in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba of a person referred to in clauses (i) or (j) who acquired Dutch citizenship or passed away before such acquisition by virtue of judicial establishment of parenthood, if he/she was minor on the day of the decision of the first instance.
2. When making a statement for acquisition of the Dutch citizenship, an adult foreigner and a minor foreigner who has reached the age of sixteen also declares to be prepared to make a declaration of solidarity when acquiring the Dutch citizenship. A confirmation decision shall be announced only after the declaration of solidarity is actually made.
  3. The authority receiving the statement assesses based on the documents submitted thereto the grounds on which the statement is based. If the requirements are satisfied, it shall confirm acquisition of the Dutch citizenship in writing.
  4. It shall refuse the confirmation if based on the behaviour of the person who made the statement there are serious grounds to believe that he/she imposes a threat to public order, morality or security of the Kingdom, unless it is not prevented by international legal obligations.
  5. It shall decide within thirteen weeks after the receipt of the statement; this term may be prolonged once for no more than thirteen weeks.
  6. If a person who made the declaration does not have a family name nor a first name or if its correct spelling is not clear, it shall be determined in consultation with him/her and stated in the confirmation; his/her name shall, if necessary, be transliterated with the letters used in the Kingdom.
  7. For the purposes of paragraph one, preamble and clauses (a) and (b), birth on board a sea vessel or an aircraft registered in the Netherlands, Aruba, Curaçao or Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba shall be understood as birth in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba.
  8. A minor non-Dutch child of a father, mother or an adopting parent as referred to in Article 11 (8), who makes a statement for the acquisition of the Dutch citizenship, shall share this acquisition

shall it be to that end stated in the statement, and if it has admission and principal residence, except for cases when a statement is made based on paragraph one, clause (c) or (d), in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba. Children of a child who shares the acquisition, shall share the acquisition under the same conditions. A child who has reached the age of sixteen at the time when the declaration of readiness is made, shall share the acquisition only if it expressly agrees thereto, the declaration of readiness referred to in paragraph two, as well as the statement made by him/herself and with regard to whom there are no assumptions referred to in paragraph four. A confirmation decision shall be announced only after the declaration of relationship is actually made.

9. A foreigner who at some time acquired Dutch citizenship through option shall have, from among the possibilities referred to in paragraph one, for the purpose of regaining Dutch citizenship through option, only the one referred to in clause (f).

#### **Article 6a**

1. The confirmation referred to in Article 6 (2) shall be refused if the foreigner referred to in Article 6 (1) (e) has other citizenship and has not done what is possible to lose that other citizenship or is not willing to do everything possible in order to, after the confirmation is issued, lose the other citizenship, unless it cannot be reasonably required.
2. Paragraph one shall not be applicable in case of
  - a. a foreigner who is a citizen of a State Party to the Second Protocol amending the Convention on the Reduction of Cases of Multiple Citizenship and Military Obligations in Cases of Multiple Citizenship concluded in Strasbourg on 2 February 1993 (Trb. 1994, 265);
  - b. a foreigner who was born in the Netherlands, Aruba, Curaçao or Sint Maarten and has at the time when the statement for acquisition of the Dutch citizenship is made his/her principal residence there;
  - c. a foreigner who is married to a Dutch citizen;
  - d. a foreigner who is recognized in the Netherlands, Aruba, Curaçao or Sint Maarten as a refugee.
3. The authority referred to in Article 6 (3) shall assess if the foreigner meets the requirements listed in paragraph one, if the foreigner has recourse to one of the exceptions mentioned in paragraph two. Shall it be the case and provided that other requirements are met, it shall confirm the acquisition of the Dutch citizenship in writing.
4. The authority shall seek advice from Our Minister if the foreigner states that refusal from his other citizenship cannot be reasonably required. The authority shall inform the foreigner that Our Minister has been asked for advice and within which period of time it shall be decided upon the option.
5. The authority, after the receipt of the advice of Our Minister, shall decide in writing on the acquisition of the Dutch citizenship.
6. If the authority seeks for advice of Our Minister referred to paragraph four, the decision making period referred to in Article 6 (4) shall be prolonged by four weeks.

#### **Chapter 4. The Granting of Dutch citizenship**

##### **Article 7**

1. Taking into account the provisions of this Chapter, We, upon recommendation of Our Minister, grant Dutch citizenship to foreigners who so request.

2. Our Minister of Justice of Aruba, Curaçao, respectively of Sint Maarten shall advise upon requests of those having their principal residence in Aruba, Curaçao or Sint Maarten.

#### **Article 8**

1. Only the following applicants shall qualify for the granting of the Dutch citizenship
  - a. adults;
  - b. with regard to the indefinite time stay of whom in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba there are no concerns;
  - c. having for at least five years immediately before the request admission and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba;
  - d. who can be considered integrated in the Kingdom and the country of residence based on the fact that he/she has a level of knowledge of the Dutch language defined by the order in council for the Kingdom and – if he/she has principal residence in Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba – the language that is commonly spoken on the island of principal residence, as well as of the state organization and society of the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba, and has also integrated him/herself in the one of these societies; and
  - e. who declares his/her readiness to make a declaration of solidarity when acquiring the Dutch citizenship. A decision on granting Dutch citizenship shall be announced only after the declaration of solidarity is actually made.
2. Paragraph one, clause (c), shall not apply to an applicant who either at some time had Dutch citizenship or the status of a non-Dutch Dutch citizen, or has been married with and lives together with a Dutch citizen since at least three years, or was adopted, as a minor, in the Netherlands, Aruba, Curaçao or Sint Maarten by parents at least one of whom was of Dutch citizenship.
3. The period referred to in paragraph one, clause (c), shall be set at two years for a person who has had in total at least ten years of admission and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba.
4. The period referred to in paragraph one, clause (c), shall be set at three years for an applicant who either has been living together, without being married, in a sustainable relationship other than marriage with an unmarried Dutch citizen for at least continuous three years, or is stateless.
5. The period referred to in paragraph one, clause (c), shall be set at three years for an applicant who through recognition or legitimation without recognition became a child of a Dutch citizen. For an applicant who as a minor was recognized or legitimized, the period of three years shall be decreased by the uninterrupted period during which he/she immediately before reaching the age of majority after the recognition or legitimation without recognition, enjoyed care and upbringing by a Dutch citizen by whom he/she was recognized or whose child he/she became through legitimation without recognition.
6. An order in council for the Kingdom pursuant to paragraph one, clause (d), shall not enter into force earlier than four weeks after the issue date of the Official Gazette (het Staatsblad) where it is published. The publication shall be immediately reported to the both chambers of the States General.

## Article 9

1. A request of an applicant who complies with Articles 7 and 8 shall however nonetheless be refused if
  - a. based on the behaviour of the applicant there are serious grounds to believe that he/she imposes a threat to public order, morality or security of the Kingdom;
  - b. the applicant, in possession of other citizenship, has not done everything possible to lose that other citizenship or is not willing to do everything possible in order to lose the other citizenship after naturalization, unless it cannot be reasonably required;
  - c. the applicant who falls under the exceptions of Article 8 (2) has principal residence in a country where he/she is a citizen.
2. If an applicant has lost the Dutch citizenship pursuant Article 16 (1), the request referred to in paragraph one, clause (a), may be refused only if he/she within a period of ten years prior to the request was sentenced for a criminal act against the security of the Kingdom or was sentenced to a term of imprisonment of at least five years for another criminal act.
3. Paragraph one, preamble and clause (b), shall not be applicable to
  - a. an applicant who is a citizen of a State Party to the Second Protocol amending the Convention on the Reduction of Cases of Multiple Citizenship and Military Obligations in Cases of Multiple Citizenship concluded in Strasbourg on 2 February 1993 (Trb. 1994, 265);
  - b. a foreigner who was born in the Netherlands, Aruba, Curaçao or Sint Maarten and has at the time of the request his/her principal residence there;
  - c. a foreigner who is married to a Dutch citizen;
  - d. a foreigner who is recognized in the Netherlands, Aruba, Curaçao or Sint Maarten as a refugee.
4. It shall be decided upon the request within one year after the payment of the due fee referred to in Article 13, or after the decision on complete lift of payment, or after the receipt of a required addition to the request needed for consideration thereof. The decision making may be postponed no more than two times six months each.
5. Decisions on the refusal or postponement to grant the Dutch citizenship may be made by Our Minister.

## Article 10

In special cases, having heard the Council of State of the Kingdom, We may grant Dutch citizenship notwithstanding the provisions of Article 8 (1), preamble and clauses (a), (c) and (d), Article 9 (1), preamble and clause (c), and notwithstanding the period referred to in Article 11 (3, 4, 5).

## Article 11

1. A minor non-Dutch child of a father or mother to whom the Dutch citizenship was granted shall share this granting, if it is expressly so defined in the decision. A request for co-granting shall be submitted together with the request for granting.
2. A request of a father or mother for the co-granting of the Dutch citizenship to a child below the age of 16 shall be satisfied if the child has, since the time of the request, an admission for indefinite time and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba.
3. A request of a father or mother for the co-granting of the Dutch citizenship to a child who at the time of the request has reached the age of 16 shall be satisfied if the child has, for at least three uninterrupted years immediately before the request, admission and principal residence and since



the moment of the request admission for indefinite time and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba. The Dutch citizenship shall only be granted if the child expressly agrees thereto, is ready to make a declaration of solidarity when acquiring the Dutch citizenship and there are no grounds for refusal referred to in Article 9 (1), preamble and clause (a), including paragraph two of that Article, applicable to it. A decision on granting Dutch citizenship shall be announced only after the declaration of solidarity is actually made.

4. The Dutch citizenship shall be granted to a minor non-Dutch child of a father or mother who has acquired Dutch citizenship through option or to whom it has been granted, who did not share such acquisition or granting, upon its request if it has, for at least three uninterrupted years immediately before the request, admission and principal residence and since the moment of the request admission for indefinite time and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba. The term of admission and principal residence shall not be applicable to a child born after his parent submitted a declaration referred to in Article 6 (1), or a request referred to in Article 7 (1). The Dutch citizenship shall be granted to a child who at the time of the request has reached the age of sixteen only if it expressly agrees thereto, is ready to make a declaration of solidarity when acquiring the Dutch citizenship and there are no grounds for refusal referred to in Article 9 (1), preamble and clause (a), including paragraph two of that Article, applicable to it. A decision on granting Dutch citizenship shall be announced only after the declaration of solidarity is actually made.
5. The Dutch citizenship shall be granted to a non-Dutch child of a father or mother who has acquired Dutch citizenship through option or to whom it has been granted, who was minor at the time of the statement or request of the parent and who did not share that acquisition or granting due to reaching the age of majority, upon its request:
  - a. if it has, for at least three uninterrupted years immediately before the request, admission and principal residence and since the moment of the request admission for indefinite time and principal residence in the European part of the Netherlands, Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius and Saba,
  - b. if it is ready to make a declaration of solidarity when acquiring the Dutch citizenship and
  - c. there are no grounds for refusal referred to in Article 9 (1), preamble and clause (a), including paragraph two of that Article, applicable to it.

A decision on granting Dutch citizenship shall be announced only after the declaration of solidarity is actually made.

6. The requirements of admission and principal residence referred to in paragraphs two and three shall not be applicable to a minor child of a father or mother who has principal residence abroad and who, by virtue of Article 8 (2), shall acquire the Dutch citizenship, provided that the child in fact belongs to the family of this parent and does not have its principal residence in the country where it is a citizen.
7. Children of a child sharing the granting, shall share the granting under the same conditions.
8. For the purposes of this article, a father or mother shall also mean adopting parent if the adoption was effectuated according to the rules of the Dutch international private law and the adoption resulted in the termination of the family legal relationship that had existed earlier.

## **Article 12**

1. In case an applicant does not have a family name or a first name, or if its correct spelling is not clear, it shall be determined in consultation with him/her in the decision granting the Dutch citizenship.

2. The name of the applicant shall if necessary be transliterated with the letters used in the Kingdom and may be modified with the consent of the applicant shall it be important for the integration.

### **Article 13**

1. Order in council for the Kingdom shall determine the rules regarding the fees due for the making and consideration of a statement of option and of a request for the granting of the Dutch citizenship, the cases when and extent to which it may be lifted as well as the manner of its effectuation.
2. Order in council for the Kingdom shall determine rules regarding the proof of admission for either country of the Kingdom.

## **Chapter 5. Loss of Dutch citizenship**

### **Article 14**

1. Our Minister may revoke the acquisition or the granting of the Dutch citizenship, shall it be resting upon false declaration or deceit on the side of the person concerned, or upon concealment of a fact relevant to acquisition or granting. The revocation shall be retroactive until the moment of the acquisition or granting of the Dutch citizenship. The revocation shall not be possible if more than twelve years have passed since the acquisition or granting. The third sentence shall not be applicable if the person concerned has been sentenced for an offence referred to in Articles 6, 7 and 8 and 8 bis of the Rome Statute of the International Criminal Court as of 17 July 1998 (Trb. 2000, 120 and 2011, 73).
2. Our Minister may revoke the Dutch citizenship of a person irrevocably sentenced for:
  - a. an offence set forth in Titles I-IV of the Second Book of the Dutch Criminal Code for which the law provides for a term of imprisonment of more than eight years;
  - b. a criminal offence referred to in Articles 83, 134a or 205 of the Dutch Criminal Code;
  - c. a criminal offence similar to the offences referred to in clause (a) for which the criminal legislation of either country of the Kingdom provides for a term of imprisonment of eight years or more, or an offence for which the criminal legislation of either country of the Kingdom provides for a similar definition as offences referred to in clause (b);
  - d. a criminal offence referred to in Articles 6, 7 and 8 and 8 bis of the Rome Statute of the International Criminal Court as of 17 July 1998 (Trb. 2000, 120 and Trb. 2011, 73).
3. Our Minister may revoke the Dutch citizenship of a person who has reached the age of sixteen years and who voluntarily enters into foreign military service of a state involved in hostilities against the Kingdom or against a union the Kingdom is a member of.
4. Our Minister may, for the reasons of the national security, revoke the Dutch citizenship of a person who has reached the age of sixteen and is outside of the Kingdom if it seems, based on his/her behavior, that he/she has joined an organization included by Our Minister, according to the advice of the Council of Ministers of the Kingdom, in a list of organizations participating in a national or international armed conflict and constituting a threat to the national security.
5. A person who lost the Dutch citizenship on the grounds of the provisions of paragraphs two, three or four, can acquire the Dutch citizenship again. In special cases, having heard the Council of State of the Kingdom, We may deviate from the provisions of the first sentence if at least five years have passed since the loss of the Dutch citizenship.
6. The Dutch citizenship shall be lost by a minor as a result of termination of family legal relationship from which it derives pursuant to Articles 3, 4, 5, 5a, 5b, 5c or 6 (1), preamble and clause (c), as well as pursuant to Article 4 as it was before the entry into force of the Kingdom Act amending the Kingdom Act on Dutch Citizenship in relation to the acquisition, granting and loss of the Dutch

citizenship dated 21 December 2000, Stb. 618, and pursuant to Article 5 as it was before the entry into force of the Kingdom Act dated 3 July 2003 amending the Kingdom Act due to the adoption of the Conflict of Laws on Adoption Act (Stb. 284). The loss referred to in sentence one shall not occur if the other parent, at the moment when the relationship is terminated, is Dutch or was Dutch at the moment of his/her death. The loss shall neither occur if the Dutch citizenship may also derive based on Article 3 (3), or Article 2 (a) of the Law dated 12 December 1892 on Dutch Citizenship and Residency (Stb. 268).

7. The Dutch citizenship shall not be lost otherwise than based on the provisions of this Chapter.
8. With the exception of the case referred to in paragraph one, the loss of the Dutch citizenship shall not occur if it would result in statelessness.
9. The list referred to in paragraph four, upon approval or amendment, shall be sent to the Second Chamber of the States General, to the States of Aruba, to those of Curaçao and those of Sint Maarten and published in the Government Gazette (*de Staatscourant*), in the Publications Gazette (*het Afkondigingsblad*) of Aruba, in the Publications Gazette (*het Publicatieblad*) of Curaçao and in the Publications Gazette (*het Afkondigingsblad*) of Sint Maarten.
10. Further rules as to the elements involved in the weighing of interests with regard to a decision on the revocation of the Dutch citizenship based on paragraphs one, two, three or four shall be established by or by virtue of order in council for the Kingdom.

#### **Article 15**

1. The Dutch citizenship of an adult shall be lost:
  - a. through voluntary acquisition of other citizenship;
  - b. through a declaration of renunciation;
  - c. if he/she both has foreign citizenship and while being of the age of majority during an uninterrupted period of ten years of having both citizenships has his/her principal residence outside the Netherlands, Aruba, Curaçao and Sint Maarten, and outside the territories to which the Treaty on European Union applies otherwise than in view of employment for the Netherlands, Aruba, Curaçao or Sint Maarten or for an international body where the Kingdom is represented, or as a spouse of or as an unmarried partner in a sustainable relationship living together with a person in such employment;
  - d. by the revocation of the decision granting the Dutch citizenship by Our Minister that may take place if the person concerned has not undertaken everything possible, after his/her naturalization, to lose the original citizenship;
  - e. by revocation of the decision confirming the acquisition of the Dutch citizenship by Our Minister than may take place if the foreigner referred to in Article 6 (1) (e), has not undertaken everything possible, after his/her naturalization, to lose the original citizenship.
2. Paragraph one, preamble and clause (a), shall not apply to the acquirer
  - a. who was born in the country of the other citizenship and at the moment of acquisition has principal residence there;
  - b. who before reaching the age of majority during an uninterrupted period of at least five years had principal residence in the country of the other citizenship; or
  - c. who is married to a person who has that other citizenship.
3. The period referred to in paragraph one, clause (c), shall not be considered interrupted if the person concerned during a period shorter than a year has principal residence in the Netherlands, Aruba, Curaçao or Sint Maarten, or in the territories to which the Treaty on European Union applies.

4. The period referred to in paragraph one, clause (c), shall be interrupted by the provision of a declaration on the possession of the Dutch citizenship or of a travel document, Dutch identity card or a temporary Dutch identity card as meant by the Passport act. A new period of ten years shall start from the day of interruption.

#### **Article 15A**

The Dutch citizenship of an adult shall moreover be lost:

- a. if as a result of an express declaration of will through naturalization, option or recovery therein, he/she shall acquire citizenship of a State Party to the Convention on the Reduction of Cases of Multiple Citizenship and Military Obligations in Cases of Multiple Citizenship concluded in Strasbourg on 6 May 1963 (Trb. 1964, nr. 4) and this Convention entails that loss. The mentioned above shall however not be applicable if a State is also a Party to the Second Protocol amending this Convention (Trb. 1994, nr. 265) and the person concerned belongs to one of the categories listed in Article 15 (2);
- b. if he shall acquire the citizenship of Surinam based on the Agreement between the Kingdom of the Netherlands and the Republic of Suriname concerning the assignment of citizenship (Trb. 1975, nr. 132).

#### **Article 16**

1. A minor shall lose Dutch citizenship:

- a. through judicial establishment of parenthood, recognition, legitimation or adoption by a foreigner if he/she shall acquire thereby the citizenship of the latter or already has it;
- b. through submission of a declaration of renunciation, if he/she has citizenship of his/her father, mother or adoption parent as referred to in Article 11, paragraph 8;
- c. if his/her father or mother voluntarily shall acquire other citizenship and he/she shares this acquisition or already has this citizenship;
- d. if his/her father or mother loses the Dutch citizenship pursuant to Article 15 (1) (b), (c) or (d), or pursuant to Article 15A;
- e. if he/she shall acquire the same citizenship as his/her father or mother himself/herself.

For the purpose of clauses (c), (d) and (e), an adopting parent from whom the minor derives the Dutch citizenship and also a person exercising joint authority over the minor and from whom the latter derives the Dutch citizenship, shall be also understood as father or mother. The declaration of renunciation referred to in clause (b) shall have no legal effect otherwise than after the minor reaches the age of twelve and on whose request the parent who is not a legal representative, is heard thereupon. A renunciation shall not be possible if the child and that parent have objections thereto. A minor who has reached the age of sixteen shall make a declaration of renunciation independently and may not be represented therein.

2. The loss of the Dutch citizenship referred to in paragraph one shall not occur:

- a. if and as long as a parent is a Dutch citizen;
- b. through death of a parent after the moment when the loss of the Dutch citizenship would occur pursuant to paragraph one;
- c. if a parent died as a Dutch citizen before prior to the moment when the loss of the Dutch citizenship would occur pursuant to paragraph one;
- d. if a minor complies with Article 3 (3), or Article 2 (a) of the law dated 12 December 1892 on Dutch Citizenship and Residency (Stb.268), except for the case referred to in paragraph one, clause (b);
- e. if a minor was born in the country of citizenship acquired by him/her and at the moment of acquisition has principal residence there, except for the case referred to in paragraph one, clause (b);

- f. if a minor has or had principal residence in the country of citizenship acquired by him/her for an uninterrupted period of at least five years except for the case referred to in paragraph one, clause (b); or
- g. if in the case referred to by paragraph one, clause (e), a parent is at the moment of acquisition a Dutch citizen.

For the purpose of clauses (a), (b), (c) and (g), an adopting parent referred to in Article 11 (8), and also a person exercising joint authority over the minor and from whom the latter derives the Dutch citizenship, shall be also understood as father or mother.

#### **Article 16A**

The Dutch citizen of a minor shall moreover be lost if as a result of an express declaration of will through naturalization, option or recovery therein, he/she shall acquire citizenship of a State Party to the Convention on the Reduction of Cases of Multiple Citizenship and Military Obligations in Cases of Multiple Citizenship concluded in Strasbourg on 6 May 1963 (Trb. 1964, nr. 4) and this Convention entails that loss. The mentioned above shall however not apply if a State is also a Party to the Second Protocol amending this Convention (Trb. 1994, nr. 265) and the person concerned belongs to one of the categories listed in Article 16 (2) (e),(f) and (g).

### **Chapter 6. Establishment of Dutch citizenship**

#### **Article 17**

1. Anyone who has an immediate interest therein, with the exception of cases pending in a court established in any part of the Kingdom or a in administrative appeal, shall be entitled to submit a request for the establishment of the Dutch citizenship or for the establishment that he/she is not a Dutch citizen at the Court of the Hague or, shall he/she reside in Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius or Saba, at the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba. The request may also concern establishment that the person concerned was or was not a Dutch citizen at a given moment in time.
2. A request referred to in the paragraph above may also be submitted with regard to a deceased person.

#### **Article 18**

1. Requests referred to in the previous article shall be considered by the court, respectively the Court of Justice, the public prosecution office.
2. Those concerned shall be entitled only to appeal in cassation.

#### **Article 19**

Any body charged with the implementation of any statutory regulation shall be bound by a decision that has become irrevocable, made in compliance with Article 17.

#### **Article 20**

1. If in a case pending before a court in the Netherlands, respectively Aruba, Curaçao or Sint Maarten, it is not sure whether the person concerned in the case has Dutch citizenship, the judge can ask for advice of Our Minister, respectively of Our Minister of Justice of Aruba, of Curaçao, respectively of Sint Maarten.
2. If in an administrative appeal case in the Netherlands, respectively Aruba, Curaçao and Sint Maarten, there is unclarity referred to in the previous paragraph, that instance shall suspend the

consideration of the case and ask for advice of Our Minister, respectively of Our Minister of Justice of Aruba, of Curaçao, respectively of Sint Maarten.

3. The consideration of the case shall immediately be renewed as soon as the advice referred to in the previous paragraph is received.

## **Chapter 7. Declarations and registers**

### **Article 21**

The authorities and officials in charge of the receipt of requests for granting and declarations for acquisition of the Dutch citizenship, declarations of renunciation therefrom, shall be appointed by order in council for the Kingdom, as well as the latter may establish further requirements as to the manner of the receipt of declarations and requests, confirmations referred to in Article 6 and further administrative review of the acquisition and granting of the Dutch citizenship.

### **Article 22**

1. Our Minister shall keep a public register of:
  - a. declarations for acquisition of and renunciation from the Dutch citizenship;
  - b. confirmations referred to in paragraph three of Article 6 and Article 28;
  - c. the granting of the Dutch citizenship;
  - d. revocations referred to in paragraph one of Article 14, and Article 15 (1) (d).
2. Our Minister of Justice of Aruba, of Curaçao and of Sint Maarten shall keep a public register of acts referred to in the first paragraph with regard to persons residing in their country.

## **Chapter 7a. Legal protection**

### **Article 22a**

1. A decision on revocation of the Dutch citizenship as referred to in Article 14 (4), may be directly appealed at the Court of The Hague or, if a person whom it regards lived in Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Sint Eustatius or Saba, at the Court of the First Instance of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba.
2. An appeal may be lodged within four weeks.
3. No later than on the twenty-eighth day after the decision on revocation of the Dutch citizenship as referred to in Article 14 (4), is announced, Our Minister shall inform the Court of the First Instance of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba, unless the person with regard to whom the decision was made has lodged an appeal earlier. As soon as respectively the court of the first instance receives this information, the person with regard to whom the decision was made, shall be considered as having appealed the decision on revocation of the Dutch citizenship.
4. A decision of the courts referred to in paragraph one may be appealed at the Administrative Law Department of the State Council. A decision of the Court of the first instance referred to in the paragraph one may be appealed at the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba.
5. If the court referred to in paragraph one, is of opinion in appeal that the decision on revocation of the Dutch citizenship referred to in Article 14 (4), is against the law, or taking into consideration all respective interests is not reasonably grounded, it shall declare the appeal well-founded.

6. No court fee shall be levied by the registrar of the court referred to in paragraph one, the registrar of the Court of the first instance of the Joint Court of Justice, of the registrar of the Joint Court of Justice and of the registrar Administrative Law Department of the State Council.
7. Appeal against a decision on revocation of the Dutch citizenship referred to in Article 14 (4), shall be also considered to include an appeal against a decision on declaring a person unwanted, referred to in Article 67 of the Law on Foreigners 2000, Article 16d of the Law on Admission and Expulsion BES, as well as corresponding articles of the legislation of other countries.

#### **Article 22b**

1. A stakeholder shall always be entitled to choose one or more counselors.
2. His/her legal representative or his/her special proxy shall also be entitled thereto.
3. Shall a stakeholder be unable to disclose his/her will thereon and has no legal representative or special proxy, his/her spouse or the most ready close or other relative residing in the Kingdom, till and including the fourth of kin, shall be authorized to that choice.
4. A counselor chosen under paragraph two or three shall step down as soon as the stakeholder chooses a counselor himself/herself.
5. Insofar as the present Kingdom Ac does not provide for an addition otherwise, a counselor shall be chosen for a foreigner as determined by order in council for the Kingdom.

#### **Article 22c**

1. The Court of the first instance referred to in Article 22A (1), shall be respectively authorized to rule on charging a competent authority with the addition referred in Article 22B. Shall an appeal have been lodged based on Article 22 A (4), chairman of the Administrative Law Department of the Council of State, or chairman of the Joint Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba shall be authorized to rule on the addition.
2. Further rules with regard to the implementation of Articles 22A, 22B and 22C and remuneration of the added counsellors as well as reimbursement of their expenses may be established by or by virtue of order in council for the Kingdom.

### **Chapter 8. Final Provisions**

#### **Article 23**

1. Further rules for the implementation of this Kingdom Act may be established by or by virtue of order in council for the Kingdom.
2. A declaration of solidarity referred to in Article 6 (2), Article 8 (1) (e) and Article 11 (3), (4) and (5), 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 swear (promise) to faithfully fulfill the duties that the citizenship entails. The person making the declaration shall add thereto for confirmation: God almighty thus truly help me, or: I declare and promise it.
3. Order in council for the Kingdom shall determine cases in which the declaration, notwithstanding Articles 6 (2), (8), 8 (1) (e), 11 (3), (4), (5) (b), 26 (3) and 28 (3), is not required, or reasonably cannot be required, as well as the manner how these declaration can be made.

#### **Article 24**

1. This Kingdom Act may be cited as 'Kingdom Act on Dutch Citizenship'. It shall enter into force on a date to be determined by Us. We may determine a different date for the entry into force of Chapter 6.
2. The law dated 12 December 1892, Stb. 268, on Dutch Citizenship and Residency shall be repealed.

#### **Chapter 9. Transitional provisions**

#### **Article 25**

For the purposes of the present Kingdom Act, Dutch citizens shall be those in possession of the Dutch citizenship at the moment of its entry into force.

#### **Article 26**

1. The requirement of admission and principal residence referred to in Article 6 (1) (f), shall not be applicable to a foreigner who after reaching the age of majority lost the Dutch citizenship as a result of acquisition of other citizenship based on Article 5 (old) as it was on 1 March 1964, and Article 7, preamble and paragraph one or three, of the Law dated 12 December 1892, Stb 268, on Dutch Citizenship and Residency, or based on Article 15, preamble and (a), if the person:
  - a. was born in the country of the other citizenship and at the moment of acquisition had principal residence there;
  - b. before reaching the age of majority had had principal residence in the country of the other citizenship for an uninterrupted period of at least five years; or
  - c. at the moment of acquisition of other citizenship was married to a person of that other citizenship.
2. Paragraph one shall not be applicable to a foreigner who after the entry into force of this provision is a citizen of the State of other citizenship for a period of at least ten years.
3. A minor non-Dutch child of a father or mother who is a foreigner referred to in paragraph one shall share acquisition of the Dutch citizenship of the latter, if it is so requested in the declaration. Children of a child who shares the acquisition shall share the acquisition under the same conditions. A child who at the time when the declaration is made has reached the age of sixteen shall share the acquisition if it expressly agrees thereto, makes a declaration of readiness referred to in Article 6 (2) and with regard to whom there are no assumptions referred to in paragraph four of that article. A confirming decision shall be announced only after the declaration of solidarity is actually made. Article 11 (8) shall be respectively applicable.

#### **Article 27**

1. Article 3 of this Kingdom Act shall only be applicable to children born after the entry into force of this Kingdom Act.
2. Article 3 (3) amended by Kingdom Act dated 21 December 2000 amending the Kingdom Act on Dutch Citizenship with regard to the acquisition, granting and loss of the Dutch citizenship (Stb. 618), shall only be applicable to children born after the entry into force of that Kingdom Act .

#### **Article 28**

1. A woman who lost Dutch citizenship because of or in connection with a marriage concluded before the entry into force of this Kingdom Act, shall acquire the Dutch citizenship by making a declaration thereupon and by a confirmation following the declaration to be made within a year



after the dissolution of that marriage or within a year when she could have become aware of such dissolution. Such acquisition shall work retroactively until the date of the dissolution of marriage.

2. Article 6 (3-6) shall be respectively applicable.
3. A minor non-Dutch child of a person referred to in paragraph one who is the mother or adopting parent as meant in Article 11 (8) of this child shall share this acquisition if it is so requested in the declaration. Children of a child who shares the acquisition shall share the acquisition under the same conditions. A child who at the time when the declaration is made has reached the age of sixteen shall share the acquisition if it expressly agrees thereto, makes a declaration of readiness referred to Article 6 (2) and with regard to whom there are no assumptions referred to in paragraph four of that article. A confirming decision shall be announced only after the declaration of solidarity is actually made.

### **Article 29**

For the purpose of application of the Kingdom Act on Dutch Citizenship and provisions based thereupon, the periods of time of principal residence spent in the Netherlands Antilles before the entry into force of the Kingdom Act Amending Kingdom Acts on the Creation of New Countries, shall be taken into account as if they were spent in Aruba, Curaçao, Sint Maarten or public bodies Bonaire, Saba and Sint Eustatius.

It shall be thus charged and ordered for the present to be published in the Official Gazette (het Staatsblad) and the Publications Gazette (het Publicatieblad) of the Netherlands Antilles, and for all ministerial departments, authorities, colleges and officials thus concerned to accurately implement it.

Given in The Hague, 19 December 1984

Beatrix

State Secretary of Justice,  
V. N. M. Korte-van Hemel

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Minister of Justice a.i.,  
Rietkerk