



The House of
Representatives

The House of Representatives Special Competences: Naturalisations

General

Generally speaking, strangers can obtain the Belgian nationality in three ways: assignation, declaration or choice and naturalisation. The procedures are described in the Belgian Code of Nationality.

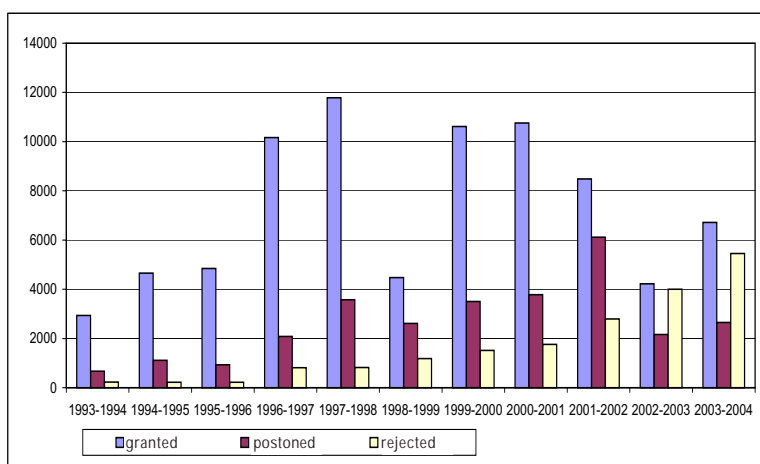
The **assignation** can be obtained automatically by strangers who are born in Belgium and of whom the parent or adoptive parent has already been residing for a long period of time in Belgium (strangers of the third generation).

Judicially speaking, the nationality can be **obtained(acquisition)** when the stranger starts the procedure (declaration or choice and naturalisation).

A stranger who has been residing in Belgium for a long period of time and who can prove that he or she has built up a real connection with Belgium, can make a **declaration of nationality or a declaration of choice of nationality**. Especially strangers of the second generation make use of this procedure. The declarations are in most cases treated by a public servant of the Register Office, and in most cases by the Court of First Instance.

Strangers can also obtain the Belgian nationality by naturalisation. Only the Belgian House of Representatives is competent for the granting of naturalisations (stipulated by article 74 of the Constitution).

A new naturalisation procedure (introduced by the law of 13 April 1995) came into force on 1 January 1996. This procedure is mainly aimed at facilitating naturalisation and avoiding any excessive delays in processing files. The desired duration of the procedure should not exceed one year. This period used to be two or three years or even more.



| Session | granted | postponed | rejected |
|-----------|---------|-----------|----------|
| 1993-1994 | 2938 | 672 | 230 |
| 1994-1995 | 4655 | 1111 | 218 |
| 1995-1996 | 4842 | 935 | 219 |
| 1996-1997 | 10167 | 2085 | 813 |
| 1997-1998 | 11780 | 3578 | 824 |
| 1998-1999 | 4472 | 2613 | 1180 |
| 1999-2000 | 10611 | 3502 | 1518 |
| 2000-2001 | 10755 | 3782 | 1758 |
| 2001-2002 | 8484 | 6117 | 2791* |
| 2002-2003 | 4222 | 2165 | 4001** |
| 2003-2004 | 6716 | 2653 | 5452*** |

* in 1421 cases rejection was proposed

** in 1039 cases rejection was proposed

*** in 3031 cases rejection was proposed

Who may submit an application to become a naturalised Belgian?

The conditions to be fulfilled to be able to be a naturalised Belgian read as follows:

- Must be aged at least 18
- Must have had his main residence in Belgium for at least 3 years. This period is reduced to 2 years for recognised refugees or “stateless persons” (people with no nationality). Periods of residence abroad can be taken into account when calculating this period if the person concerned is able to prove that he or she maintained proper links with Belgium.

Applications for naturalisation granted, postponed, rejected

The procedure

- ▶ The application form as well as a brochure containing general information may be obtained from the local authorities (municipality administration).
- ▶ The completed application form must be sent with the requisite documents to the secretary general of the House of Representatives - Naturalisations Department. The form together with the attached documents are checked by the department.
- ▶ In accordance with the law dated 22 December 1998, the naturalisations files (application forms and required documents) can be sent to the Secretary General of the House of Representatives - Naturalisation Department. After that the procedure takes again its normal course.
- ▶ The department requests the advice of the public prosecutor of the domicile of the applicants. It is checked whether there are any serious facts of a nature to constitute an obstacle to obtaining Belgian nationality or not and if the will of the applicant to integrate is sufficient. If the prosecutor has not sent his advice within one month, it is presumed to be positive and the procedure may be continued. Additional information may also be requested from other authorities.
- ▶ The complete file is then submitted to the

naturalisations committee of the House of Representatives. This committee may approve or reject the application or decide to postpone the naturalisation for serious reasons. In such cases new advice is requested from the prosecutor before the final decision.

- ▶ The proposal of the committee must be approved by the plenary assembly of the House of Representatives (see example).
- ▶ The naturalisation certificate must be signed and promulgated by the King.
- ▶ It is then published in the Moniteur belge (State Official Journal).
- ▶ The applicant becomes Belgian from the date of publication.

| DOC 50 2173/002 | DOC 50 2173/002 |
|--|---|
| BELGISCHE KAMER VAN VOLKSVERTEGENWOORDIGERS | CHAMBRE DES REPRÉSENTANTS DE BELGIQUE |
| 5 december 2002 | 5 décembre 2002 |
| VOORSTEL VAN NATURALISATIEWETTEN VOORGELEGD DOOR DE COMMISSIE VOOR DE NATURALISATIES | PROPOSITION DE LOIS DE NATURALISATION PRÉSENTÉE PAR LA COMMISSION DES NATURALISATIONS |
| A. — Bij toepassing van de bij koninklijk besluit van 14 december 1932 gecoördineerde wetten op de verwerving, het verlies en de herkrijging van de nationaliteit | A. — En application des lois coordonnées par l'arrêté royal du 14 décembre 1932 sur l'acquisition, la perte et le recouvrement de la nationalité |
| 3 | 3 |
| B. — Bij toepassing van de wet van 28 juni 1984 betreffende sommige aspecten van de toestand van de vreemdelingen en houdende invoering van het Wetboek van de Belgische nationaliteit | B. — En application de la loi du 28 juin 1984 relative à certains aspects de la condition des étrangers en instituant le Code de la nationalité belge |
| 4 | 4 |
| C. — Bij toepassing van de wet van 13 april 1995 tot wijziging van de naturalisatieprocedure en van het Wetboek van de Belgische nationaliteit | C. — En application de la loi du 13 avril 1995 modifiant la procédure de naturalisation et le Code de la nationalité belge |
| 6 | 6 |
| D. — Naturalisaties bij toepassing van de wet van 22 december 1998 tot wijziging van het Wetboek van de Belgische nationaliteit wat de naturalisatieprocedure betreft | D. — Naturalisations en application de la loi du 22 décembre 1998 modifiant le Code de la nationalité belge en ce qui concerne la procédure de naturalisation |
| 22 | 22 |
| E. — Naturalisaties toegekend bij toepassing van de wet van 1 maart 2000 tot wijziging van een aantal bepalingen betreffende de Belgische nationaliteit | E. — Naturalisations accordées en application de la loi du 1 ^{er} mars 2000 modifiant certaines dispositions relatives à la nationalité belge |
| 30 | 30 |
| Voorgaand document : | Document précédent : |
| Doc 50 2173/ (2002/2003) : 001 : Verslag. | Doc 50 2173/ (2002/2003) : 001 : Rapport. |
| | 5902 |
| KAMER • 50e ZITTING VAN DE 50e ZITTINGSPERIODE | 2002 2003 |
| | CHAMBRE • 50e SESSION DE LA 50e LÉGISLATURE |

SERVIVE DES NATURALISATIONS - NATURALISATIEDIENST
Boulevard du Régent, 35
1000 BRUXELLES
Regentlaan, 35
1000 BRUSSEL

For more information :

the House of Representatives - Department for Public and International Relations, 1008 Brussels

tel. : (32)(2)549.81.77 - fax : (32)(2)549.83.02

E-mail : PRI@lachambre - PRI@dekamer.be

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