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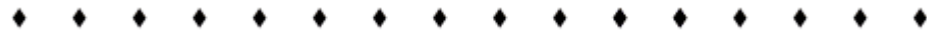
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Getting a Dutch passport

Our experts answer one expat's questions about becoming a permanent resident.



We are Argentinean and have been living and working in Arnhem for more than six years now. Our children go to local Dutch schools; we enjoy the Dutch lifestyle and recently bought a house here. This has led us to think about permanent residence. Would it be possible for us to apply for Dutch passports? And if so, what kind of 'red tape' can we expect?

ASK THE EXPERTS

After having (legally) lived in the Netherlands for a five-year period, an expatriate can apply for naturalization. After positive adjudication, (s)he may receive the Dutch nationality and may subsequently apply for a Dutch passport.

An expatriate (registered) partner or expatriate spouse of a Dutch person may apply for naturalization after three years of living together or after three years of marriage. Some refugees may apply after four years of residency.

The Immigratie & Naturalisatie Dienst (IND) and afdeling Burgerzaken (part of the municipality) are the responsible Dutch organizations for all naturalization matters.

Following an official advice from afdeling Burgerzaken, IND will check if the expatriate/applicant is suitable for naturalization, in the light of rules and regulations laid down in the Rijkswet op het Nederlanderschap and the Vreemdelingenwet (aliens law).

The expatriate/applicant is required to pay a fee (leges) for the naturalization procedure, and must be over 18 years old.

The expatriate/applicant must have a valid Dutch residence permit (non-temporary purpose), and must have resided in the Netherlands for a five-year period (in certain cases three or four years, re. above).

The expatriate/applicant should be able to speak and understand some Dutch and also be part of the Dutch society (inburgering). The expatriate/applicant's past will be checked, meaning no criminal record related to a certain number of years preceding the naturalization

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application.

In some cases the expatriate/applicant must be willing to give up his/her foreign nationality (if that is possible under the law of the expatriates' country of origin). Sometimes dual nationality is possible.

The expatriate can apply for naturalization with afdeling Burgerzaken of the municipality where (s)he is living.

After a (positive) advice of afdeling Burgerzaken and IND, the application will be presented to the Queen of the Netherlands. With her signature and the signature of the Secretary of Justice, the naturalization is final.

From April 1, 2003 the following applies to new naturalization applications. First of all, the expatriate/applicant is asked to complete a naturalization-test.

This naturalization-test is not necessary if the expatriate/applicant successfully completed an inburgeringstoets in the past, or has a Dutch secondary school diploma or higher.

The results of the naturalization-test will determine whether or not the expatriate/applicant has sufficient knowledge of the Dutch language, society and constitution. Please note that a fee is required for the naturalization-test.

Furthermore, the expatriate/applicant will have to submit evidence that (s) he has had a valid Dutch residence permit for five years without any gaps. The expatriate/applicant can ask the competent Aliens Police to issue a special statement confirming this five-year period.

For refugees, the four-year residency requirement is turned into a five-year residency requirement. For spouses or (registered) partners of Dutch nationals, the three-year residency requirement remains unchanged.

Also, more stringent naturalization rules apply for certain categories of minor children of expatriate/applicants.

All in all, the April 2003 changes in the law governing naturalization will make it less easy to secure a Dutch passport.

The naturalization-test linked to a mandatory five-year residency under valid successive residence permits, will prove to be effective barriers and most likely limit the numbers of successful applicants.

Applying for naturalization before April 2003 and making use of the current regime is therefore something to consider (if and when the current Rijkswet op het Nederlanderschap and Vreemdelingenwet requirements are met).

March 1, 2003

This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch rules and regulations

regarding foreigners, naturalization, work permits, visas and residence permits are continuously subject to change.

Patrick Rovers and Hans van Velzen

Subject: Ask the Experts



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