

## Childbirth and nationality 22/07/2003 00:00

Our experts help decode the complicated laws surrounding childbirth and expats.



*My husband and I are Norwegian expatriates. I work for a multinational insurance company in Amsterdam and my husband works part-time and takes care of our children, aged five and three. I am six months pregnant and our child will be born in the Netherlands. As non-EU citizens, we were wondering what consequences the birth would have with regard to nationality? Will the baby be a Dutch citizen? And what about naturalisation?*

Expatriates and childbirth in the Netherlands are a good combination for all sorts of complicated legal questions. Please allow me to tell you about the intricacies of the Dutch regulations concerning nationality and naturalisation.

The 'Rijkswet op het Nederlanderschap' covers all relevant regulations regarding obtaining and losing Dutch citizenship. Dutch citizenship can be obtained in the following ways;

- through birth: if one of the parents is a Dutch national at the time of birth of the baby;
- through birth: in the case that both parents are foreign nationals, the grandmother of the baby (either on the mother or the father's side) was residing in the Netherlands, Aruba or the Dutch Antilles at the time of the birth of the parent, and at the time of the birth of the baby, the parent who is related to aforementioned grandmother is living in the Netherlands, Aruba or the Dutch Antilles.
- through recognition ('erkenning') or through ascertaining fatherhood by a Dutch national through the courts ('*gerechtelijke vaststelling van het vaderschap*');
- through option ('*optie*'), a provision for certain individuals born in Aruba or the Dutch Antilles;
- through adoption of an underage child in the Netherlands or abroad by a Dutch couple;
- through naturalisation.

The second regulation may be applicable in your case. If that is so, Dutch citizenship will be awarded to your baby '*van rechtswege*', meaning directly in accordance with Dutch law.

You also inquire about naturalisation and this may prove a more realistic option should you want your child to become a Dutch citizen. The one drawback is that the expatriate must be 18 years old when applying for naturalisation.

Naturalisation is a pre-requisite to obtaining Dutch citizenship and a Dutch passport. Naturalisation may be possible if the following applies:

- first of all the expatriate has to pay a fee ( '*leges*' ) for the naturalisation application procedure;
- the expatriate must be 18 years or older;
- the expatriate must have resided legally in the Netherlands for a five year period (three years if the expatriate has married a Dutch person or lived together with a Dutch person for that period of time);
- the expatriate must be able to speak and understand Dutch and be a part of the Dutch society ( '*inburgeringsvereiste*' );
- the expatriate must have a clean bill of health, meaning no criminal record related to the four years preceding the naturalisation application procedure;
- the expatriate must be willing to give up his/her old nationality (if that is possible under the law of the expatriates' country of origin). Sometimes dual nationality is possible.

Please note that the *Rijkswet op het Nederlanderschap* will be amended in the spring of 2003. It is expected that new rules in relation to the options listed above will be introduced. The demands in relation to integration, *inburgeringsvereiste*, may also be tightened.

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*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, citizenship and naturalization are continuously subject to change.*