



European Centre for Economic,
Policy Analysis and Affairs

REACT

Reactivating European citizenship: a network of inclusive towns

Code of Belgian Nationality

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Belgium - Belgique - België

- Belgium is a federal state comprised of three regions and three Communities, which are all endowed with legislative and executive powers as well as their own administrations (art. 1 Belgian Constitution).
- The regions have competence over mostly economic matters, while the Communities deal with culture, education and personal affairs, such as the reception and integration of immigrants.
- Citizenship, immigration and political rights, however, remain the prerogative of the federal legislative authority.
Naturalisation is granted by the federal legislative power (art. 9 Belgian Constitution)

http://www.const-court.be/en/basic_text/belgian_constitution.pdf

Historical development

- *During the Dutch and Belgian Union (1815-1830) the legislation on citizenship regulation was based on the Civil Code which was mostly founded on the Napoleonic Civil Code.*
 - I. The main characteristic of this legislation was the acquisition of the citizenship by the principle of Ius Sanguinis Paterni .*
- *Belgian independence 1830 - The first, unitary constitution (1831)*
 - I. The main change to highlight is the introduction of the naturalisation by an act of the parliament as a specific mode of acquisition.*
 - II. Introduced distinction between ordinary and full naturalisation (Art 5 Belgian Constitution 1931 -right to enjoy all political rights, changed only on 1991).*
- *Nationality law of 1909*
 - I. Introducing the Ius Soli principle: citizenship was also granted to every child born in Belgium of parents with an undefined status and to all persons turning 23, who had lived in Belgium during their 22nd.*

Historical development

- The law of 1922

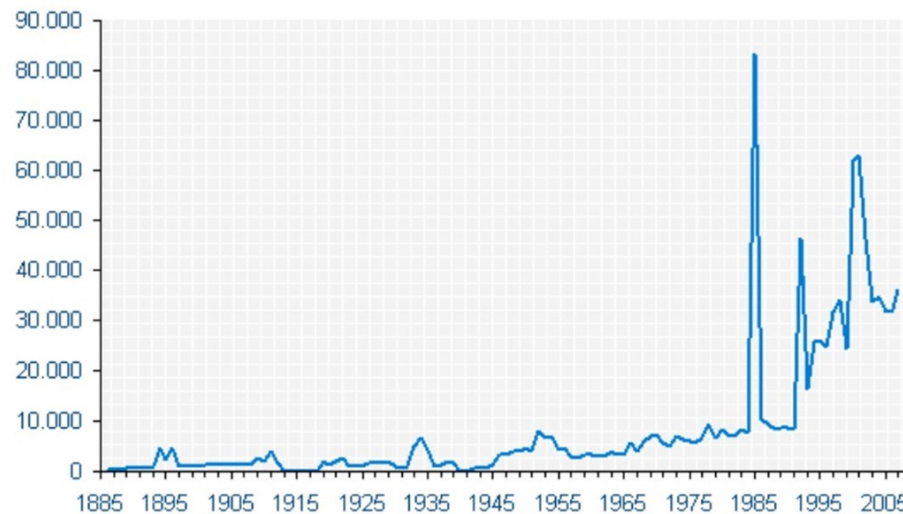
- I. It was for a return to the primacy of the *Ius Sanguinis* principle.*
- II. It also introduced the acquisition of citizenship by 'possession of Belgian status'.
(acquisition of Belgian citizenship by a person who acted for at least 10 years in good faith as a Belgian)*

- The law of 1932

- I. Confirmed the strict application of the *Ius Sanguinis* principle.*
- II. *Ius Sanguinis* was once again applied solely with reference to the father, at least as far as legitimate filiation was concerned.
(A legitimate child, born by a legal marriage, could thus acquire Belgian citizenship only through a Belgian father)*

Code of Belgian Nationality 1984

- The introduction of the New Code of 1984 was intended to make the acquisition of Belgian citizenship easier, especially for the second- and third-generations in order to facilitate the integration via citizenship.



- I. 1985- Code of Belgian Nationality came into force. (equality men and women)
- II. Law of 13 June 1991 – *Ius Soli*, simplified the acquisition for II and III generation migrants, deleted the distinction between ordinary and complete naturalization.
- III. Law March 2000 - Radical simplification of nationality acquisition (elimination of integration test, reduction of demanded residence in Belgium 3 years, introduction of free naturalisation procedure).

<http://eudo-citizenship.eu/databases/national-citizenship-laws/?search=1&country=Belgium>

Code of Belgian Citizenship - 2012 reform

- From 1 January 2013, Belgian nationality after the age 18 can be obtained in 2 ways: via a nationality declaration and by naturalisation.

In order to obtain nationality by declaration, one has to proof the following :

- I. **Minimum of 5 years of lawful residence in the country.**
- II. **Knowledge of at least one of the 3 national languages.**
- III. **Social integration through a diploma, a training session or a professional experience (5 years' uninterrupted work) or attendance at an officially recognized integration programme organised by the competent authority.**
- IV. **If the person has lived in Belgium for over 10 years, participation to community life.**

<http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-27-Belgium.pdf>

Code of Belgian Citizenship - 2012 reform

- Naturalisation

I. The attribution of the Belgian nationality by naturalisation is not a right, but rather a favour the Belgian state can grant.

The candidate must establish that it is impossible for him to obtain it any other way (for example by declaration) and must demonstrate exceptional qualities, for example on the athletic, artistic or academic level.

Since the new code of nationality came into force on 1st January 2013, naturalisation has been strictly organised so as to become an exceptional type of procedure for acquiring the Belgian nationality.

Naturalisation must not be confused with the nationality declaration, which is considered a right.

Starting on January 1st, 2013, naturalization applications will only be taken into account provided the applicant pays a fee of EUR 150.

<http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-27-Belgium.pdf>

Code of Belgian Citizenship - 2012 reform

IUS SOLI

A person born in Belgium (to non-Belgian parents) is a Belgian citizen if that person:

- I. Holds no other nationality at the time of birth (i.e., is stateless);
- II. Loses any other nationality before turning 18 OR;
- III. Has a parent who was born in Belgium and who has lived in Belgium for at least five years during the last 10 years OR;
- IV. Is adopted (while under 18) by a parent holding another nationality who was born in Belgium and who has had their main place of residence in Belgium for five years during the 10-year period before the adoption takes effect.
- V. Has two parents or adoptive parents born abroad who submitted a declaration before that person's twelfth birthday requesting that the person be granted Belgian nationality. Belgium must have been the parents' main place of residence during the 10 years preceding the declaration, and the person must have lived in Belgium since birth.

https://diplomatie.belgium.be/en/services/services_abroad/nationality/being_granted_belgian_nationality/born_in_belgium

Citizenship and political participation

- When the 1991 Constitution deletes the difference between full and ordinary naturalization, all Belgian nationals have equal political rights.
- The law of 27 January 1999 modified different Belgian laws to introduce passive and active electoral rights for second-country nationals* in municipal elections.
- Resident nationals, citizens temporarily abroad and second-country nationals* are allowed to run as candidates in Belgian local elections.
- Article 9 of the 27 January 1999 Law also includes the right of second-country nationals elected within a local legislative council to be appointed as a councilman but not to occupy the position of mayor.

*Second-country nationals = EU citizens in mobility

<https://wallex.wallonie.be/PdfLoader.php?type=doc&linkpdf=7617-6883-375>



Thank you for your attention!!