

FRAGOMEN



**BREXIT
ADJUSTMENT
RESERVE**



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BRUSSELS-CAPITAL REGION

**Brussels Commissioner
For Europe**

**I am a UK citizen residing in
Belgium. Can I acquire Belgian
citizenship? And what about
my children?**

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WITH YOU TODAY



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INTRODUCTION

AGENDA

- ▶ Introduction
- ▶ Advantages & obligations
- ▶ Belgian nationality for adult UK citizens (+18)
 - ▶ Scenarios
 - ▶ Residence (rights) requirements
 - ▶ Integration & language requirement
 - ▶ Economic participation requirement
 - ▶ Documents and application process
- ▶ Belgian nationality for minor UK citizens (-18)
 - ▶ Scenarios
 - ▶ Summary and overview
- ▶ Zoom in on issues for UK nationals
- ▶ Q&A



ADVANTAGES AND OBLIGATIONS



EU CITIZENSHIP

- ▶ **EU member states:** Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.
- ▶ **Freedom of movement:**
 - Travel: up to three months without formalities
 - Live: sufficient financial means (work, study, retire, look for a job, ...)
 - Social rights: similar to nationals
 - **Red flag:** financial aid in another EU member state



OBLIGATIONS

- ▶ **Voting:** obligated for local (except Flanders), regional, federal and European elections from the age of 18
- ▶ **Polling station attendant:** list drafted based on profession and residence address
- ▶ **Jury duty:** between age of 28 and 65



BELGIAN NATIONALITY FOR ADULTS

BELGIAN NATIONALITY FOR ADULTS

SCENARIOS

- ▶ General rule: based on years of continuous legal stay
- ▶ More flexible conditions in specific circumstances

Five year legal stay	Ten year legal stay	Married to a Belgian citizen	Parent of a minor Belgian child	Born in Belgium	People with disabilities	65+ years old
5 year continuous legal stay & primary residence	10 years continuous legal stay & primary residence	5 year continuous legal stay & primary residence	5 year continuous legal stay & primary residence	Continuous legal stay & primary residence since date of birth	5 year continuous legal stay & primary residence	5 year continuous legal stay & primary residence
Residence permit of unlimited duration	Residence permit of unlimited duration	Residence permit of unlimited duration	Residence permit of unlimited duration	Residence permit of unlimited duration	Residence permit of unlimited duration	Residence permit of unlimited duration
Integration	Community participation	Integration	Integration	/	Proof of handicap (earning capacity 1/3rd or less) – at time of application	Age 65 or older
Knowledge of official language	Knowledge of official language	Knowledge of official language	Knowledge of official language	/	Proof of incapacity for work (66%) – full five years prior	
Economic participation		Married to a Belgian citizen + lived together for three years prior to application	Parent of a minor Belgian child	/		

BELGIAN NATIONALITY FOR ADULTS

LEGAL STAY AND PRIMARY RESIDENCE

Legal stay

- ▶ Uninterrupted legal stay prior to the application
- ▶ Accepted documents:
 - Electronic residence cards type A, B, C, D, E, E+, F, F+, H, M and M with permanent residence rights
 - Annex 15
 - Beneficiaries of the withdrawal agreement: also annex 56 prior to M-card
 - EU citizens: also annex 19 prior to E-card
 - Family members of EU citizens: also annex 19ter and orange card (attestation of immatriculation) prior to F-card

Primary residence

- ▶ Officially registered in the civil registers (town hall)

Continuous legal stay and primary residence

- ▶ No interruptions in residence rights AND official address registration in Belgian town hall
- ▶ Temporary absence of maximum six months is allowed (combined reported absences may not exceed 1/5th of total required duration)

BELGIAN NATIONALITY FOR ADULTS

RESIDENCE PERMIT OF UNLIMITED DURATION

Residence permit of unlimited duration

- ▶ Being authorized to reside on the Belgian territory for an unlimited time (unconditional residence rights)
- ▶ Evaluated at the time of the application for Belgian nationality
- ▶ Accepted documents:
 - Electronic residence card type B
 - Electronic residence card type K (previously C)
 - Electronic residence card type L (previously D)
 - Electronic residence card type E / E+
 - Electronic residence card type F / F+
 - Electronic residence card type M
 - Electronic residence card type M with permanent right of residence

BELGIAN NATIONALITY FOR ADULTS

INTEGRATION

Integration in Belgian society: accepted documents

- ▶ Nationality application based on 5 year legal stay
 - Diploma of an official education institute in Belgium (minimum higher secondary education), obtained in an official Belgian language
 - Completed a recognised vocational training of minimum 400 hours
 - Successfully followed an integration course, organized by the Communities
 - Continuous employment or self-employment in the 5 years prior to the application
- ▶ Nationality application based on marriage to a Belgian citizen or parent of a minor Belgian child
 - Diploma of an official education institute in Belgian (minimum higher secondary education), obtained in an official Belgian language
 - Successfully followed an integration course, organized by the Communities
 - Completed a recognized vocational training of minimum 400 hours AND having worked for at least 234 days as an employer or 3 full quarters as a self-employed person in the 5 years prior to the application

≠ community participation (10 year legal stay)

- ▶ All documents regarding integration in Belgian society should be provided, accompanied by a letter explaining what you have been doing for the past 10 years.
- ▶ Examples: diploma, going to school, following an integration course, working, hobby's, volunteer work, membership of social groups, ...

BELGIAN NATIONALITY FOR ADULTS

LANGUAGE

- ▶ Knowledge of one of the Belgian official languages: Dutch, French or German (regardless of where you live)
- ▶ Minimum level A2 (Common European Reference Frame), or level 1.2 used in Belgian centres for adult learning
- ▶ Accepted documents:
 - Diploma of an education institute in Belgium (minimum higher secondary education)
 - Diploma of an education institute in EU (in or concerning an official Belgian language, diploma needs to be recognized by the Communities, minimum higher secondary education)
 - Completed a vocational training of minimum 400 hours
 - Successfully completed an integration course (**Red flag**: make sure language is mentioned on the document)
 - Continuous work in the 5 years prior to the application
 - Certificate for passing a language test
 - Government language attestation (SELOR, VDAB, Actiris, FOREM, Arbeitsamt, Bruxelles Formation)
- ▶ Usually proven together with integration condition

BELGIAN NATIONALITY FOR ADULTS

ECONOMIC PARTICIPATION

- ▶ Requirement of having worked for a minimum number of days prior to the application
- ▶ Categories:
 - Employee: having worked in Belgium for at least 468 days in the 5 years prior to the application
 - Self-employed: having paid the social security contributions in Belgium for at least 6 quarters
- ▶ Accepted documents:
 - Individual accounts
 - Attestation of government agencies
 - Proof of payment of social security contributions (e.g. Social Secretariat)
- ▶ Calculation of working days:
 - Working days and equivalent (maternity leave, paid holidays, etc.)
 - Parttime labour (calculation based on fulltime equivalent)
 - Education (secondary education, higher education, vocational training of at least 400 hours): only when education is completed. Equivalent working days depend on type of education.

BELGIAN NATIONALITY FOR ADULTS

DOCUMENTS AND APPLICATION PROCESS

Documents:

- ▶ In all categories: recent birth certificate (translated and legalised) + proof of payment registration rights (currently 150 EUR)
- ▶ **Red flag:** your name must appear the same on all official documents
- ▶ Depending on the situation: integration, knowledge official language, economic participation, marriage certificate, birth certificate child, address history, proof of disability, ...
- ▶ Town hall usually provides proof of legal stay, primary residence and residence rights of unlimited duration

Application process:

- ▶ Application is started at town hall of residence
- ▶ Civil servant will check if the file is complete and deliver a receipt
- ▶ File is transferred to the Public Prosecutor's Office, the Immigration Office and the National Security Office
- ▶ Public Prosecutor's Office will deliver a binding opinion within four months
- ▶ If positive: civil servant will register your nationality declaration and you are now a Belgian citizen
- ▶ If negative: appeal possible at First Instance Court within 15 days
- ▶ Refusal if conditions are not met or in case of 'important facts specific to the individual': e.g. criminal conviction or investigation (**also: traffic violations!**), danger for national security, impossible to verify your identity, social or fiscal fraud, etc.



BELGIAN NATIONALITY FOR MINOR CHILDREN

BELGIAN NATIONALITY FOR CHILDREN

SCENARIOS

- ▶ Automatically or following a declaration by one of the parents
- ▶ General rule: children living in Belgium when parent acquires Belgian nationality will automatically get Belgian nationality as well if
 - They are living in Belgium with their parent at the time they acquire nationality
 - The parent has parental authority

Red flag: children who are living abroad will not acquire Belgian nationality

- ▶ Other categories depend on place of birth of parent and child, and timing of Belgian nationality parent

BELGIAN NATIONALITY FOR CHILDREN

CHILDREN BORN IN BELGIUM

- ▶ Children who are born in Belgium after parent acquired Belgian nationality
 - Automatic nationality if parent has registered the birth
- ▶ Children who are born in Belgium without any of the parents having Belgian nationality
 - If the parent was born in Belgium, the child would automatically become Belgian if this parent had their primary residence in Belgium for 5 years in the 10 years prior to the application
 - If the parent was not born in Belgium a nationality declaration needs to be submitted by both parents before the age of 12
 - Both parents need to have legal stay and primary residence for 10 years prior to the declaration
 - At least one of the parents has an unlimited right of residence in Belgium
 - The child has had their main residence in Belgium continuously since birth
 - The Public Prosecutor's Office will give a binding advice within 4 months

BELGIAN NATIONALITY FOR CHILDREN

CHILDREN BORN OUTSIDE OF BELGIUM

- ▶ Children who are *not* born in Belgium after parent acquired Belgian nationality
 - If parent was also born outside of Belgium, a nationality declaration needs to be done before the age of 5
 - Parent does the declaration at the town hall of his residence or the local Belgian embassy
 - Extension of 5 year time limit can be asked at the First Instance Court
 - If parent was born in Belgium, the child would automatically receive the Belgian nationality when the birth is registered
 - Registration in Belgium at town hall and registration at local Belgian embassy



Zoom in on issues for UK Nationals

APPLYING FOR BELGIAN NATIONALITY



- ▶ Multiple nationality allowed under both Belgian nationality code and British Nationality Act 1981

APPLYING FOR BELGIAN NATIONALITY



- ▶ A review of issues in practice



APPLYING FOR BELGIAN NATIONALITY

MAIN PATHWAYS

- ▶ 5 year residence
- ▶ 10 year residence
- ▶ children
- ▶ other ways



APPLYING FOR BELGIAN NATIONALITY

ALL PATHWAYS

- ▶ Birth certificate
 - Change of name following
 - Marriage
 - Adoption
 - Change by deed poll



APPLYING FOR BELGIAN NATIONALITY

ALL PATHWAYS

- ▶ continuous and legal residency
 - proof of lawful residence – how?
 - special identity card
 - M card
 - problem if Annex 56 never issued
 - permitted absences
 - gaps

BELGIAN NATIONALITY

5 YEARS

▶ economic integration

- employees : 468 days of employment over the past 5 years
- self-employed : proof of payment of social security contributions for the past 6 quarters
- continuous employment : gaps
- employment with EU or international organisations
- posted work – does it count?
- studying in Belgium



BELGIAN NATIONALITY

5 YEARS

- ▶ social integration
 - 5 years of continuous employment/self-employment
 - integration course
 - proof of having followed vocational training min. 400 hours
 - degree or certificate from a Belgian educational institution obtained in French/Dutch/German (minimum level: secondary education)



BELGIAN NATIONALITY

5 YEARS

- ▶ Language aptitude
 - 5 years of continuous employment/self-employment
 - A2 level in French, Dutch or German
 - recognised provider



BELGIAN NATIONALITY

5 YEARS

- ▶ 5 years of continuous and legal residency (alternative basis)
 - having reach retirement age; or
 - being unable to work due to disability or incapacity



BELGIAN NATIONALITY

10 YEARS

- ▶ Proof of social and/or economic participation
 - ▶ open-ended means of proof
- ▶ Letter of motivation



BELGIAN NATIONALITY

Final considerations

- ▶ Serious personal misconduct
 - ▶ Criminal offences
 - ▶ inc. traffic offences which resulted in criminal proceedings





QUESTIONS & ANSWERS

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