



# Minors and loss of Dutch nationality

Children under the age of 18 can lose their Dutch nationality. For instance, if the father or mother lose their Dutch nationality, the child will lose his<sup>1</sup> Dutch nationality as well. However, the child will retain his Dutch nationality if he has another parent with Dutch nationality.

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## In brief

The Netherlands Nationality Act makes a distinction between adults and minors. A minor is a person under the age of 18 who is not married or in a registered partnership.

Section 1 of this factsheet describes the situations in which minors can lose their Dutch nationality. The exceptions to this are described in Section 2. This document is based on Chapter 5 of the Netherlands Nationality Act: Loss of Dutch Nationality.

This document uses the word 'parent', which always refers to a legal parent. It should also be deemed to refer to an 'adoptive parent' or to 'the person who exercises joint custody over the minor and from whom the minor acquired Netherlands nationality'. As far as the Act is concerned, these persons are equal.

## 1. Minors can lose their Dutch nationality

A minor will lose his Dutch nationality if:

1. he renounces his Dutch nationality. It is a condition in this case that he has the nationality of his parent;
2. a Dutch parent voluntarily assumes a different nationality, while the minor already has this nationality in addition to his Dutch nationality. Or if the minor changes his nationality at the same time as his Dutch parent;
3. he independently obtains the same nationality as a parent;
4. he assumes Austrian nationality;
5. a parent renounces his Dutch nationality;
6. a parent automatically loses his Dutch nationality because that parent has lived outside of the Kingdom of the Netherlands and the European Union for ten years;
7. the Dutch nationality obtained by a parent through the naturalisation process has been revoked because the parent failed to renounce his original nationality following his naturalisation as a Dutch citizen;
8. the paternity of a non-Dutch national has been established by the court. Or if a non-Dutch national has acknowledged, legitimised or adopted the child. It is a condition in this context that the minor obtains a different nationality as a result or already had this different nationality;
9. the permit for joint naturalisation as a Dutch citizen is withdrawn at the same time as the naturalisation permit of a parent. This is because the naturalisation procedure was fraudulent;
10. the legal paternity from which the minor derives his Dutch nationality lapses. For example, if the parent denies his paternity or withdraws the adoption or acknowledgement;

<sup>1</sup> We refer in this document to 'he' or 'his'. This should be deemed to refer to 'she' or 'her' as well.

11. the Dutch government revokes his Dutch nationality during his 16<sup>th</sup> or 17<sup>th</sup> year because he voluntarily undertook military service in another country and, at that time, that country was in conflict with the Netherlands or one of its allies;
12. the Dutch government revokes his Dutch nationality during his 16<sup>th</sup> or 17<sup>th</sup> year because he joined an organisation which poses a threat to national security. These organisations have been designated by the government.

## 2. Exceptions: situations in which minors will not lose their Dutch nationality

There are a number of exceptions to the above-described situations. In these instances, minors will not lose their Dutch nationality.

In situation 4, if the minor assumes Austrian nationality himself, the child will always lose his Dutch nationality.

A minor will not lose his Dutch nationality if he:

- a. has a father or mother who is a Dutch citizen and for as long as this parent is a Dutch citizen (meaning they have not lost Dutch nationality). This could be a Dutch father or mother who takes a different nationality while remaining a Dutch citizen. It could also be a deceased mother or father who was a Dutch citizen at the time of decease. Exceptions to this include points 9, 11 and 12: in that case, the child will lose his Dutch nationality; or
- b. would become stateless. An exception to this is point 9, in which case the child will lose his Dutch nationality; or
- c. is a 'third-generation Dutch citizen'<sup>2</sup>. Exceptions to this include points 1, 11 and 12: in that case, the child will lose his Dutch nationality; or
- d. independently obtains the same nationality as a parent (point 3) and his second parent is a Dutch citizen at that time. In this case it is not relevant whether this second parent subsequently loses his Dutch nationality; or
- e. was born in the country whose nationality he is obtaining and has his main residence there when he obtains the foreign nationality. Exceptions to this include points 1, 11 and 12: in that case, the child will lose his Dutch nationality; or

<sup>2</sup> Under the terms of nationality law, a 'third-generation Dutch citizen' must have been born (after 1 April 2003) to a mother or father who lives in the Netherlands, who him/herself was born to a mother or father who lives in the Netherlands.

- f. has lived or lives (has his main residence) in the country whose nationality he is obtaining for an uninterrupted period of five years or more. Exceptions to this include points 1, 11 and 12: in that case, the child will lose his Dutch nationality.

## 3. More information

You can find more information on reasons for adults to lose their citizenship in the factsheet 'Could I lose my Dutch nationality automatically? And how can I avoid this?'. You can find this factsheet on the website [www.government.nl](https://www.government.nl/topics/dutch-nationality/documents/forms/2017/06/16/factsheet-could-i-lose-my-dutch-nationality-automatically-and-how-can-i-avoid-this) (<https://www.government.nl/topics/dutch-nationality/documents/forms/2017/06/16/factsheet-could-i-lose-my-dutch-nationality-automatically-and-how-can-i-avoid-this>)

### **www.rijksoverheid.nl and www.government.nl**

The Dutch government's websites [www.rijksoverheid.nl](http://www.rijksoverheid.nl) and [www.government.nl](http://www.government.nl) contains information about a large number of topics. If you can't find an answer to your question on this website, you can phone or email your question to the public information department of the Ministry of General Affairs (Informatie Rijksoverheid). The telephone number is: 1400 (local rate) and opening hours are 8 am to 8 pm on workdays. You can also email your question using the contact form on the website.

You can also find information about becoming a Dutch citizen (again) on the Dutch government's website. See the following links <https://www.rijksoverheid.nl/onderwerpen/nederlandse-nationaliteit/inhoud/nederlander-worden> and <https://www.government.nl/topics/dutch-nationality/becoming-a-dutch-national>.

### **Immigration and Naturalisation Service (Immigratie en Naturalisatiedienst, IND)**

You can also find information about Dutch citizenship and Dutch nationality on the IND's website: [www.ind.nl](http://www.ind.nl).

### **Legal Aid and Advice Centre (Juridisch Loket)**

You can obtain legal information or advice from the Legal Aid and Advice Centre. To find out if there is a Legal Aid and Advice Centre near you call 0900-8020 (€ 0.25 per minute) or visit the website [www.juridischloket.nl](http://www.juridischloket.nl).

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