

Pathway to citizenship Belgium

EMN ASYLUM AND MIGRATION POLICY EVENT 2019

Patrick Wautelet



Background



- 2012 : major reform access to Belgian citizenship
- EMN study 2020 : Pathway to citizenship
 - Mapping and comparing the various approaches of EU MS regarding third-country nationals' acquisition of citizenship in MS
 - Focus on first generation, third country nationals, ordinary naturalisation
 - Questionnaire

Liberal access to Belgian citizenship

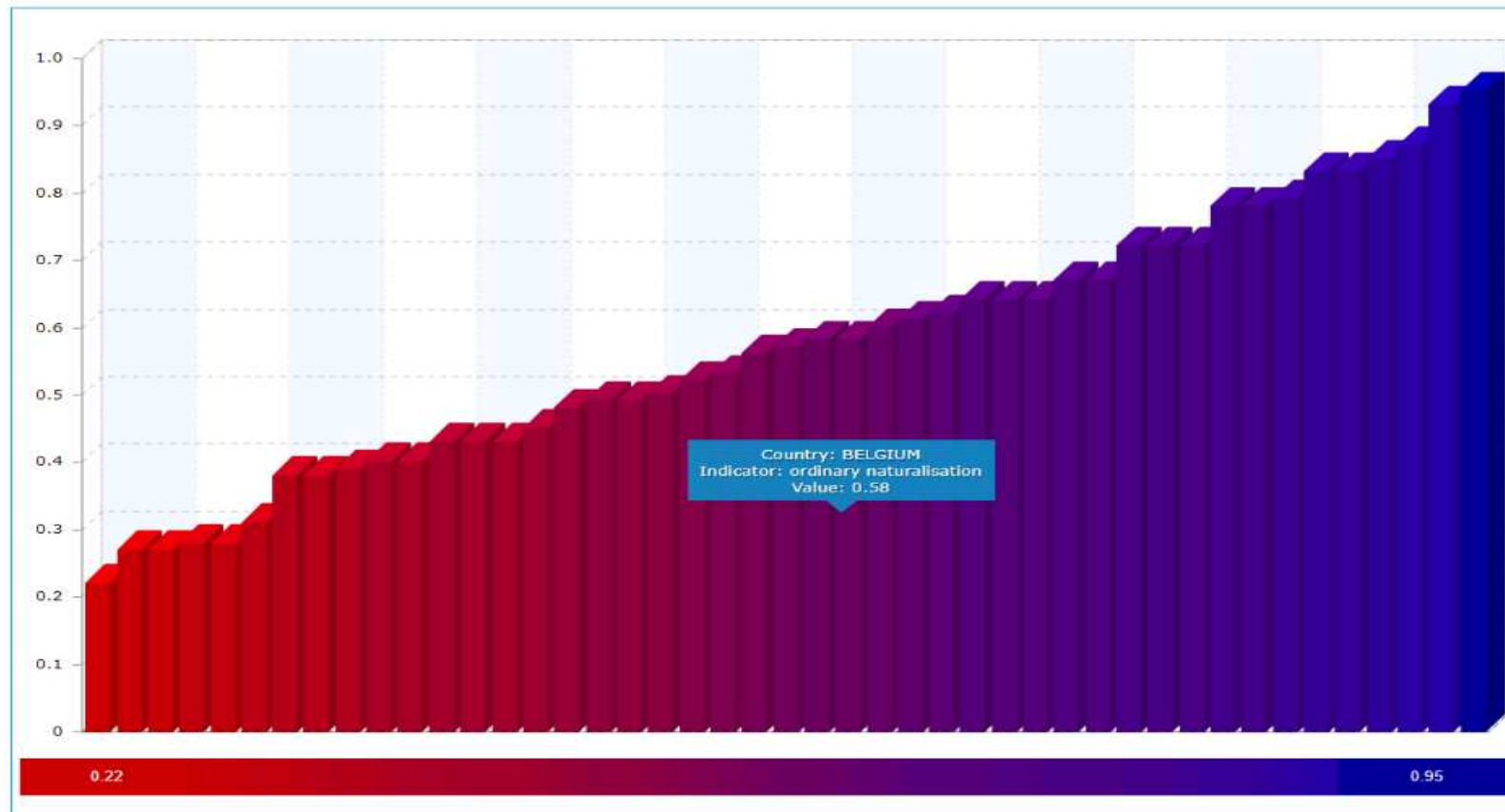


- 2012 Reform : – from ‘most inclusive nationality law in the EU’ to moderately inclusive:
 - *Length of residence : 5 years / 10 years*
 - *Language requirement : A2 / evidence through work*
 - *Employment – 468 days / 5 years*
 - *No requirement re housing*
 - *No waiver requirement*
 - *Moderate fee – 150 €*
 - *Special regimes for vulnerable categories*
 - *Persons with disabilities*
 - *Senior citizens*

CITLAW 2016



Year: 2016



Complex system



- No integration test/exam
- Law / Royal Decree / Circular letter : highly codified system → documentary system → list of required evidence
 - Original system
 - Unintended effects – e.g. evidence of employment can also serve to demonstrate language skills (Art. 1, 5° Royal Decree 2013)
 - Transaction costs – document management skills

Implementation gap



- Highly codified system but still room for doubt / open questions
 - *Ex. 1 : Provisional Residence Title Refugees ('AI') : not in the list (reform 2018 : solved)*
 - *Ex. 2 : 468 days of employment → what if employment in special status? Eg Article 60 contracts (CPAS/OCMW)*
 - *Ex. 3 : 5 years of uninterrupted employment → tolerance for short interruptions?*

Unequal access?



- Decentralized process → potential threat to equal treatment of applications?
- Examples
 - Municipal fees : 5 € (Lasne); 15 € (Kortrijk); 30 € (Etterbeek); 50 € (Woluwe StPierre); 82 € (Woluwe StLambert)
 - Length of court proceedings : important variations
 - *CFI Brussels 5 10 2017 : 34 months*
 - *Verviers 23 2 2015 : 7 months*

Unequal access?



- Practical application of rules – unequal?
 - Ex. 1 : Secondary education in France, Germany, Netherlands taken into account or not?
 - Ex. 2 : Part time work taken into account? And if yes, to what extent?
- Djordje Sredanovic - *Barriers to the Equal Treatment of (aspirant) Citizens: The Case of the Application of Nationality Law in Belgium* (International Migration 2019) : « important signals about strong geographic differences in interpretation »

What we know / what we do not know



- Limited (empirical) research on implementation of 2012 reform
→ limits to what we know
 - Ex. 1 : evidence shows that women's part in acquisition has decreased (slightly < 50%): why?
 - Ex. 2 : grant of nationality to stateless – blackbox (figures? Rejection rate? Reasons?)
 - Ex. 3 : new rules on birth certificates – does threshold lead to third country nationals giving up on acquisition?

Conclusion



- On paper, Belgium remains an inclusive country
- In practice, potential for inclusiveness may be questioned because of:
 - Implementation gap
 - Equality issue
- What we need? Evaluation, evaluation, evaluation!
 - *More figures*
 - *More research – eg.*
 - *How to explain increasing gender gap in acquisition?*
 - *Impact of new rules on employment rate of new citizens?*