

## **Formal Objection to the Proposed 10-Year Naturalisation Requirement**

I am writing to formally object to the proposed extension of the naturalisation residency requirement from 5 to 10 years, as outlined in the draft legislation currently under public consultation. This objection is submitted from the perspective of a spouse of a Highly Skilled Migrant (HSM), who arrived in the Netherlands on 2 June 2024 and began working on 16 October 2024. I am actively preparing for the Dutch State Exam at B1 level. I have established a permanent residence, started a family, and am contributing to Dutch society through full-time employment.

### **Legal and Fairness-Based Grounds for Objection**

1. Violation of Legitimate Expectation: Under Dutch administrative law, the principle of 'gerechtvaardigd vertrouwen' (legitimate expectation) protects individuals who have made life decisions based on existing legal frameworks. Migrants who entered under the 5-year rule and began integrating should not be penalized retroactively. This principle is supported by jurisprudence from the Raad van State (Council of State), which emphasizes the importance of legal certainty and predictability in administrative decisions.
2. Disproportionality: Article 3:4 of the Algemene wet bestuursrecht (General Administrative Law Act) requires that administrative decisions must not disproportionately affect individuals. The proposed 10-year rule imposes an undue burden on families who have already invested in integration, housing, and employment. The extension from 5 to 10 years without transitional measures fails the proportionality test and risks violating the principle of fair governance.
3. Equality and Non-Discrimination: Article 1 of the Dutch Constitution guarantees equal treatment and prohibits discrimination on any grounds. Applying the 10-year rule uniformly to all migrants, regardless of their integration status or economic contribution, may result in indirect discrimination against Highly Skilled Migrants and their families. This is particularly concerning for spouses who may face additional challenges related to childcare and employment.
4. EU Charter of Fundamental Rights: The proposed rule may conflict with Article 7 (Respect for private and family life) and Article 21 (Non-discrimination) of the EU Charter of Fundamental Rights. The lack of transitional provisions and the emotional and legal distress caused by the rule undermine the principles of fairness and proportionality enshrined in EU law.

### **Request for Transitional Provisions or Exemptions**

I respectfully request that the government consider the following measures to ensure fairness and legal compliance:

- A transitional provision allowing those who arrived before the law's enactment to apply under the current 5-year rule.

- An exemption for Highly Skilled Migrants and their spouses and children, recognizing their economic and social contributions.
- A grace period for families who are close to eligibility under the current framework.

### **Conclusion**

The Netherlands has long been a beacon for skilled professionals and their families seeking a stable, inclusive, and forward-thinking society. This bill, in its current form, risks undermining that reputation and placing undue burden on those who have already committed to Dutch society. I urge the government to adopt a balanced, humane, and legally sound approach that supports integration and family stability.