

Reclaiming Luxembourgish nationality

It is possible to reclaim Luxembourgish nationality.

The reclamation procedure is open to adults who have **lost their status as Luxembourgish nationals**. It confers upon foreign nationals all the rights and obligations associated with being a Luxembourgish national.

The forms are to be submitted in person to the relevant commune, together with all other legally required documents. If the applicant lives abroad, the application must be presented to the civil registrar of the City of Luxembourg.

Who is concerned

The reclamation procedure is open:

- to **adults** who have lost their status as Luxembourgish nationals;
- to **women** who have lost their status as Luxembourgish nationals, without expressly requesting it, as a result of having acquired the nationality of their husband through marriage, or because their husband has acquired a nationality other than Luxembourgish nationality;
- to **direct maternal** or paternal descendants of an ancestor who held Luxembourgish nationality on 1 January 1900, where the latter or one of their descendants lost this nationality

If the legal conditions for reclaiming nationality are not met, the person in question may potentially acquire Luxembourgish nationality by [naturalisation](#) or through the [option declaration procedure](#).

The decision tree can help to find out which procedure for acquiring the nationality applies to the applicant's case.

Prerequisites

Acquiring Luxembourgish nationality is subject to a **condition of good repute**. Consequently, Luxembourgish nationality is **refused**:

- if the applicant has made **false statements, concealed important information** or **acted fraudulently** during the reclamation procedure; **or**

- if the applicant has received, in the Grand Duchy of Luxembourg or abroad:
 - o a **criminal sentence** or a custodial sentence of 12 months or more; **or**
 - o a **suspended sentence** of 24 months or more.

The facts underlying a foreign conviction must also constitute a criminal offence under Luxembourg law. If applicable and except in the case of rehabilitation, the sentence must have been definitively served less than 15 years before the reclamation declaration.

Refusal to grant Luxembourgish nationality on the grounds of a criminal conviction does not apply to **women** who have lost their status as Luxembourgish nationals, without expressly requesting it, as a result of having acquired the nationality of their husband through **marriage**, or because their husband has acquired a nationality other than Luxembourgish nationality.

Preliminary steps

By **31 December 2018** at the latest, the applicant must request from the Ministry of Justice the issuance of a [certificate confirming that they are a direct descendant of an ancestor who was Luxembourgish](#) on **1 January 1900**.

Duration and deadlines

Descendants of Luxembourgish ancestors must comply with **two deadlines**.

By **31 December 2018**, they must request from the Ministry of Justice [certification confirming that they are a descendant of an ancestor](#) who was Luxembourgish on 1 January 1900.

By **31 December 2022**, they must sign, in the presence of a civil registrar, a **declaration to reclaim** Luxembourgish nationality.

Costs

The reclamation procedure is **free of charge**.

However, **the preparation of certain documents** to be produced as part of the option procedure may **incur charges**, the amount of which is set by the issuing authority. Example:

- Luxembourg communes may request the payment of a municipal tax in exchange for preparing copies of marital status records;
- foreign authorities may apply a charge for the issuance of marital status records or extracts from the criminal record.

How to proceed

Submitting a reclamation declaration to the civil registrar

The file must be presented to the **civil registrar of the commune of the usual place of residence** of the applicant.

In the event that the applicant **lives abroad**, the file should be presented to the registrar of the **City of Luxembourg**.

The applicant must appear in person before the civil registrar. They may be accompanied by a person of their choice.

The declaration to reclaim Luxembourgish nationality must be **signed** by the applicant or their legal representative. Signature by proxy is not permitted.

If the legal conditions are met and if the file contains **all the necessary documentation**, the civil registrar will record the reclamation declaration. They will then send the file to the [Nationality Office](#) (Service de l'indigénat) of the Ministry of Justice directly and without delay.

If the file submitted is **incomplete**, the civil registrar will request that the applicant produce the **missing documents**. If the documents are not submitted within a period of **three months**, the application will not be considered.

The civil registrar can **refuse to record the declaration**. In this case, an **appeal** against this decision can be made **to the Minister of Justice** within **one month of notification of this refusal**. If the **appeal is rejected** by the Minister, a **reversal on appeal** [may be petitioned before the administrative tribunal](#).

The **date on which Luxembourgish nationality was reclaimed is stated on the reclamation declaration**.

Supporting documents to be submitted with the application

The applicant must submit the **following documents** to the civil registrar:

- a full copy of their birth certificate and, if necessary, that of their children aged under 18;
- a copy of their valid passport and, if applicable, that of their children aged under 18. If they do not have a passport, another identity or travel document may be provided;
- precise [biographical details](#) signed by the applicant or their legal representative
- if applicable, authorisation of the judge supervising guardianship to initiate the reclamation procedure;

- if applicable, a decision of the Minister authorising an exemption from submitting one or more of the required documents. This exemption can be obtained upon reasoned request from the Minister of Justice, who has sole authority to grant it.

Additional supporting documents for adults having lost their status as Luxembourgish nationals

- a certificate of loss of Luxembourgish nationality;
- criminal record certificates or similar documents issued by the competent foreign authorities:
 - o in the foreign country or countries of which the applicant is or was a national.
 - o in the foreign country or countries in which the applicant has resided from the age of 18 during the 15 years immediately preceding the submission of the application.

The civil registrar will request the issuance of the **record no. 2 of the criminal record** from the public prosecutor's office after having obtained the **applicant's approval**. If applicants **refuse** to give this **authorisation**, the **application will not be considered**.

Additional supporting documents for women who have lost their status as Luxembourgish nationals as a result of having acquired the nationality of their husband

- a certificate of loss of Luxembourgish nationality.

Additional supporting documents for direct descendants of an ancestor who was Luxembourgish on 1 January 1900

- a [certificate confirming that the applicant is a direct descendant of an ancestor who was Luxembourgish on 1 January 1900](#);
- criminal record certificates or similar documents issued by the competent foreign authorities:
 - o in the foreign country or countries of which the applicant is or was a national.
 - o in the foreign country or countries in which the applicant has resided from the age of 18 during the 15 years immediately preceding the submission of the application.

The civil registrar will request the **record no. 2 of the criminal record** from the public prosecutor's office after having obtained an **authorisation from the applicant**. If applicants **refuse to give their authorisation**, the **application will not be considered**.

If a required document **has not been drafted in French, German or Luxembourgish**, the applicant must submit it with a **translation** in one of these 3 languages. The translation must be performed by [sworn translator](#) or by a foreign public authority.

Review of the application by the Ministry of Justice

The civil registrar will send the reclamation declaration and supporting documents to the Ministry of Justice directly and without delay.

If the minister has **no objection** to the reclamation declaration, the applicant will reclaim **Luxembourgish nationality** after a **period of 4 months** from receipt of the application by the Ministry of Justice.

If this is not the case, the minister may impose the measures outlined below.

CANCELLATION OF THE RECLAMATION DECLARATION

The reclamation declaration will be **cancelled** by the minister:

- if the civil registrar has recorded the option declaration in violation of the law; **or**
- if the applicant has made false statements, concealed important information or acted fraudulently.

The reclamation declaration may be cancelled within the period of **4 months** following the receipt of the application by the Ministry of Justice.

Cancellation of the option declaration means that the person in question **does not obtain Luxembourgish nationality**.

The civil registrar who recorded the reclamation declaration will inform the person concerned.

In the case of false statements, concealment of important information or fraud, the cancellation of the reclamation declaration is accompanied by a ban on initiating a naturalisation, option declaration or reclamation procedure for a period of **15 years**.

The ministerial decision to cancel the reclamation declaration may be subject to a [reversal on appeal petitioned before the administrative tribunal](#) within a period of 3 months from notification of this decision. The appeal must be lodged by a court lawyer.

CORRECTION OF THE RECLAMATION DECLARATION

The minister will instruct the civil registrar to correct the reclamation declaration in the event of a purely clerical error or omission, the indication of an inappropriate legal basis or an error regarding the marital status of the applicant.

The correction shall be made through an annotation on the reclamation declaration.

WHO TO CONTACT

Ministère de la Justice

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Opening hours

from Monday to Friday (except on public holidays) from 8.30 to 11.30 and from 14.30 to 16.00 (special opening hours during the summer holidays and the Christmas period).