

Citizenship law

Acquisition of German citizenship also under the aspect of reparation



1. General

German nationality law is regulated in the Constitutional Law (Grundgesetz, GG) and the Citizenship Act (Staatsangehörigkeitsgesetz, StAG) and is fundamentally based on the so-called principle of descent. This means that German citizenship is acquired primarily on the basis of descent from a German parent. Since 2000, acquisition is additionally possible in the case of birth in Germany and foreign parents.

2. Naturalisation pursuant to § 10 StAG

The requirements for naturalisation according to §10 StAG are as follows:

- ▶ Unlimited or permanent right of residence at the time of naturalisation,
- ▶ 8 years of permanent and regular residence in Germany,
- ▶ Clarified identity and nationality,
- ▶ Commitment to the free democratic basic order of the Constitutional Law (Grundgesetz),
- ▶ In principle, renunciation of the previous nationality,
- ▶ Oral and written German language skills at level B 1 of the Common European Framework of Reference for Languages,
- ▶ Proof of knowledge of the legal and social order as well as the living conditions in Germany (naturalisation test),
- ▶ Independent means of subsistence for themselves and the dependents.
- ▶ Guarantee of integration into German living circumstances, in particular no simultaneous marriage with several spouses at the same time,
- ▶ No conviction for a criminal offence.

3. Reform of the law of citizenship

The Nationality Act is to be modernised. The Federal Ministry of the Interior and Home Affairs presented a draft law on 19 May 2023. This includes the following proposed amendments, among others:

- ▶ Shortening the period of residence until the possibility of naturalisation from 8 to 5 years. With "special integration achievements", this should even be possible after 3 years.
- ▶ For people aged 67 and over, it should be sufficient if they can communicate orally in everyday life, without the requirement of a formal language and knowledge test.
- ▶ The possession of several citizenships is to be facilitated. Previous nationalities should no longer be an obstacle to naturalisation.
- ▶ In addition, children born in Germany of foreign parents should automatically become Germans if one parent has had his or her legal habitual residence in the Federal Republic for 5 years.

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4. Reparation naturalisation after persecution

When the 4th Nationality Change Act comes into force on 20 August 2021, persons persecuted under National Socialism and their descendants will be granted German nationality on application if they have also suffered disadvantages under citizenship law as a result of the persecution. In general, the requirements for reparation naturalisation under Section 15 StAG and Article 116 of the constitutional law, are less strict.

a) Who can be naturalised according to §15 StAG

Naturalisation is possible for persons who, in connection with persecution on political, racial or religious reasons in the period from 30.01.1933 to 08.05.1945

- (1) have renounced or lost their German citizenship before 26 February 1955 (in particular by naturalisation on application in another state),
- (2) were excluded from a legal acquisition of German citizenship by marriage, legitimation or collective naturalisation of German nationals,
- (3) have not been naturalised after submitting an application or were generally excluded from naturalisation which would otherwise have been possible if an application had been submitted, or
- (4) have given up or lost their habitual residence in Germany - within the limits of 31 December 1937 - if this residence had already been established before 30 January 1933 or, as a child, had also been established after this date.

Consequently, persons who, in connection with National Socialist persecution measures for the reasons listed in Article 116 (2) sentence 1 GG did not lose their German citizenship by deprivation but by other means or were never able to acquire it, are also beneficiaries.

b) Special requirements according to §15 StAG

- ▶ The possibility of naturalisation also applies for the descendants of the above-mentioned persons.
- ▶ Naturalisation is subject to the acceptance of multiple nationalities. This means that previous nationalities can be retained as far as the laws of the current home country permit.
- ▶ Contrary to the requirements of §10 StAG, §15 StAG does not require permanent and regular residence in Germany; the same applies to proof of language skills, the naturalisation test and proof of livelihood.
- ▶ Not eligible to apply are persons who have lost their already re-acquired German citizenship through, for example, renunciation, dismissal or acquisition of another citizenship on application. This also applies to their descendants.

We are pleased to support you in obtaining German citizenship

- ▶ We check whether the prerequisites for submitting an application for naturalisation according to §15 StAG or according to Article 116 GG are met.
- ▶ We compile the documentation and the application set with you.
- ▶ We guide you through the application process and support you with the communication with the relevant authorities until your naturalisation certificate is issued.

Please feel free to contact us if you are interested in our service.

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