

HANDOUT 2.1.1

CITIZENSHIP: THE UNITED STATES AND GERMANY

Document 1

United States Citizenship:

To become a United States citizen at birth, you must:

- Have been born in the United States or certain territories or outlying possessions of the United States, and subject to the jurisdiction of the United States; OR
- had a parent or parents who were citizens at the time of your birth (if you were [born abroad](#)) and meet other requirements.

To become a citizen after birth, you must:

- Apply for “derived” or “acquired” [citizenship through parents, or](#)
- Apply for naturalization.

If you are a “green card holder,” i.e., a lawful permanent resident, of at least 5 years, you must meet the following requirements in order to apply for naturalization:

- Be 18 or older.
- Have continuous residence in the United States as a green card holder for at least 5 years immediately preceding the date of the filing the application.
- Be physically present in the United States for at least 30 months out of the 5 years immediately preceding the date of filing the application.
- Reside continuously within the United States from the date of application for naturalization up to the time of naturalization.
- Be able to read, write, and speak English and have knowledge and an understanding of U.S. history and government (civics).
- Be a person of good moral character, attached to the principles of the Constitution of the United States, and well-disposed to the good order and happiness of the United States during all relevant periods under the law.

There are some exceptions to these rules, for example, for persons with disabilities or who are unable to read, write, and speak English but have lived in the United States for many years. There are also special exceptions for persons who have served in the United States armed forces.

Document 2

German Citizenship as decided in 1913:

Requirements for claims to German Citizenship:

- Be born and live in Germany of an ethnically German FATHER;
- Have lived at one point in the area of Germany during periods when the borders of the country were different;
- Have lived at one point in the area of Germany but were expelled by another nation;
- Be an ethnic German living in another country seeking to return;
- Be the spouse, child, grandchild, or any other descendent of an ethnic German MAN living in another country seeking to return to Germany.

Document 3

Requirements for becoming a German Citizen as of January 1, 2000:

1. Based on the principle of place of birth

For the first time in the history of German law, the principle of citizenship through the parents ("jus sanguinis") has been expanded with elements of the principle of citizenship through place of birth ("jus soli"). Citizenship via the parents means: A child receives German citizenship at birth if the child has a German father or a German mother – this remains in effect. The principle of citizenship through place of birth means: A child born in Germany of foreign parents automatically receives German citizenship in addition to the citizenship of the child's parents. One of the conditions for this is that at least one of the parents has lived Germany legally for eight years at the time of the child's birth with a residency permit or has had an unlimited residency permit for three years.

A transitional procedure was built into the law to allow citizenship to children born in Germany and under ten years of age on 1 January 2000 and who fulfilled the conditions in the new law. Applications for citizenship by this procedure had to be received by 31 December 2000. In this manner, some 43,700 children were granted citizenship.

2. Requirement to choose citizenship

Becoming a German citizen via the principle of place of birth was tied to a requirement to make a choice via procedures set up in paragraph 29 of the Citizenship Law. This requirement is that young people with a German passport and also one from their country of origin (dual citizens) must decide between the ages of 18 and 23 if they want to retain either German citizenship or that of their country of origin. When such young people become legally adults, they are informed by the civil authorities of the requirement to make a declaration. If they declare that they want to retain their foreign citizenship, they lose their German citizenship. This also applies if they fail to make a declaration before they turn 24. If they opt for German citizenship, they must prove before they turn 24 that they no longer have foreign citizenship; otherwise they lose their German passport. If they are unable to give up their foreign citizenship or it is too much to ask, then dual citizenship can be granted if permission to retain the second citizenship has been applied for by age 21.

Regulations regarding the requirements of opting for citizenship are set by the individual German *Länder* (federal states).

3. Requirements for Naturalization

Non-Germans who have resided legally in Germany for eight years have the right to naturalization. Until 1999, the residency requirement had been fifteen years. To claim citizenship by naturalization the following conditions must be met:

- Sufficient knowledge of the German language;
- No criminal record: the following are not taken into account – fines of up to a limited amount; probation of under six months (up to one year for youth);
- Ability to cover one's own living costs (unemployment insurance or welfare support is only problematic if it is excessive); the requirement does not apply to persons under 23 years of age;
- Renunciation of citizenship in the country of origin (dual citizenship only possible in exceptional cases);
- Public avowal of the free and democratic constitutional order, combined with a declaration that the applicant has not engaged in activities contrary to the constitution.

The general conditions set out in the Citizenship Law are binding on the individual German federal *Länder* but give the states room to create state-based criteria, for example in how "sufficient knowledge" of German is to be demonstrated.

Sources:

Storz, H. & Wilmes, B. (2007, May). "Die Reform Staatsangehörigkeitsrechts und das neue Einbürgerungsrecht," published by the Bundeszentrale für politische Bildung, Bonn, translated by William Gilcher. <http://www.bpb.de/gesellschaft/migration/dossier-migration/56483/einbuengerung?p=0>

U.S. Department of Homeland Security. (2011, June). *Citizenship Through Naturalization*. Retrieved from U.S. Citizenship and Immigration Services: <http://www.uscis.gov>