

German Citizenship and Naturalization

In the context of violence against foreigners in Germany in recent years, observers have pointed out that although the children of Turkish and other immigrant workers are born, raised and educated in Germany and often speak German as their first language, they have for a long time been considered foreigners. Under *German law, nationality has for a long time determined by the nationality of the parents, not by the place of birth.* This principle is called *ius sanguinis*, the law of parentage. *Ius soli*, the law of the birthplace, is the legal principle that determines citizenship by place of birth; it determines nationality in the United States of America and other countries.

The traditional European concept of determining citizenship by descent is the most widely applied concept internationally. It governs the nationality laws of all northern, central and eastern European countries, of Islamic countries, and of Japan. The principle of *determining nationality by the place of birth, the ius soli*, or law of the birthplace, has its historic roots primarily in the United States, Canada, and Australia, countries colonized by immigrants of different European nationalities who wanted their children to become Americans, Canadians, or Australians. Britain and France, which after World War II took in large numbers of European and non-European residents of former colonies, added the *ius soli* principle to their nationality laws.

Ethnic Germans as returning immigrants to Germany today are, in most instances, the descendants of German farmers and craftspeople who settled in Russia, Romania and other parts of Eastern Europe in the 18th century. Many were resettled within their countries by Stalin after Hitler attacked the Soviet Union in World War II. After the war, some fled to West Germany, but the Cold War prevented the majority from leaving. These ethnic Germans enjoy the “right of return” under Germany’s constitution and may take up residence in Germany. The constitution also extends the right to German citizenship to those deprived of it on political, racial,

or religious grounds between 1933 and 1945.

A child is a German citizen if one parent is a German citizen. This is true whether the child is born in Germany or in another country. Inheriting the German nationality of one’s parents is the only way to become a German citizen automatically or by right. However, the German government intends to restrict the application of the *ius sanguinis* principle for Germans who live permanently in other countries. It is not German government policy to grant German citizenship to every person of German descent or to encourage them to claim it.

Foreign-born immigrants may apply for German citizenship, if they fulfill a number of specific criteria. These include a lengthy stay in Germany and renunciation of their original citizenship.

Recently, new laws were passed granting dual citizenship to children who are born to foreign citizens in Germany if

- at least one parent has legally resided in Germany for eight years.

At the age of 23, the person has to decide for either the parents’ or the German citizenship.

Foreigners who have resided legally in Germany for eight years have a claim to naturalization if they:

- give up their previous citizenship,
- have not been convicted of a felony,
- are able to support themselves and their family. (*If the individual becomes dependent upon public assistance for reasons for which he or she is not responsible, this condition is waived*).
- have a sufficient proficiency in the German language.

Spouses and underage children can be naturalized together with the original applicant without having to fulfill the eight-year residency requirement.

Adapted From: German Information Center