

Übersetzung durch den Sprachendienst des Bundesministeriums des Innern.
Translation provided by the Language Service of the Federal Ministry of the Interior.
Stand: Die Übersetzung berücksichtigt die Änderung(en) des Gesetzes durch Artikel 1 des
Gesetzes vom 12. August 2021 (BGBl. I S. 3538)
Version information: The translation includes the amendment(s) to the Act by Article 1 of the
Act of 12 August 2021 (Federal Law Gazette I p. 3538)

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Nationality Act

Nationality Act of 22 July 1913 (Reich Law Gazette I p. 583 - Federal Law Gazette III 102-1),
as last amended by Article 1 of the Act of 12 August 2021 (Federal Law Gazette I p. 3538)

Section 1

[Definition of a German]¹

A German within the meaning of this Act is a person who possesses German citizenship.

Footnote 1: Headings in square brackets are not official headings.

Section 2

(repealed)

Section 3

[Acquisition of citizenship]

(1) German citizenship is acquired

1. by birth (section 4),
2. by declaration (section 5),
3. by adoption as a child (section 6),
4. by issuance of the certificate under section 15 (1) or (2) of the Federal Expellees Act (*Bundesvertriebenengesetz*)(section 7),
5. by naturalisation (sections 8 to 16, 40b and 40c).

(2) German citizenship is also acquired by any person who has been treated by German public authorities as a German national for 12 years due to circumstances beyond his or her control. In particular, any person who has been issued a certificate of nationality, a passport or a national identity card is treated as a German national. Acquisition of citizenship applies as of the date when the person was deemed to have acquired German citizenship by treating him or her as a German national. The acquisition of German citizenship extends to those descendants who derive their status as Germans from the beneficiary as defined in sentence 1.

Section 4

[Acquisition by birth]

(1) A child acquires German citizenship by birth if one parent has German citizenship. If at the time of the birth only the father is a German national, and if for proof of descent under German law recognition or determination of paternity is necessary, acquisition is dependent on recognition or determination of paternity with legal effect under German law; the

declaration of recognition must be submitted or the procedure for determination must have commenced before the child reaches the age of 23.

(2) A child found on German territory (foundling) is deemed to be the child of a German until proved otherwise. Sentence 1 applies accordingly to a child born to a mother under condition of anonymity in accordance with section 25 (1) of the Act to Prevent and Resolve Conflicts in Pregnancy (*Schwangerschaftskonfliktgesetz*).

(3) A child of foreign parents acquires German citizenship by birth in Germany if one parent

1. has been legally ordinarily resident in Germany for eight years and
2. has a permanent right of residence or as a national of Switzerland or as a family member of a national of Switzerland has a residence permit on the basis of the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (Federal Law Gazette 2001 II, p. 810).

The acquisition of German citizenship is recorded in the same registry where the child's birth is recorded. The Federal Ministry of the Interior, Building and Community is authorised, with the consent of the Bundesrat, to issue regulations concerning the procedure for recording the acquisition of citizenship under sentence 1 by way of ordinance.

(4) German citizenship is not acquired in accordance with subsection (1) by children born abroad if the German parent was born abroad after 31 December 1999 and is ordinarily resident abroad, unless the child would otherwise become stateless. The legal consequence of sentence 1 does not ensue if, within a year of the child's birth, an application to certify the birth under section 36 of the Civil Status Act (*Personenstandgesetz*) is filed; to meet the deadline it is sufficient if the application is received within this deadline by the competent diplomatic mission. Where both parents are German nationals, the legal consequence of sentence 1 ensues only if both parents fulfil the conditions stipulated there. The legal consequence of sentence 1 is irrelevant for a claim pursuant to Article 116 (2) of the Basic Law (*Grundgesetz*) or pursuant to section 15.

(5) Subsection (4) sentence 1 does not apply

1. to descendants of a German national who has acquired German citizenship under Article 116 (2) of the Basic Law or under section 15, or
2. to descendants of a German national who would have had a claim pursuant to Article 116 (2) of the Basic Law or to section 15 without acquiring German citizenship.

Section 5

[Right of declaration for children born after the Basic Law entered into force]

By declaring a wish to become a German national, the following persons born after the Basic Law entered into force acquire German citizenship:

1. children who have a German parent but who did not acquire German citizenship at birth,
2. children whose mother lost her German citizenship by marrying a foreigner before their birth,
3. children who acquired German citizenship at birth but lost it by being legitimised with legal effect under German law by a foreign parent, and
4. descendants of children as defined in nos. 1 to 3,

if they possess legal capacity as defined in section 37 (1) sentence 1 or have a legal representative, unless they have been incontestably sentenced to a prison term or a term of youth custody of at least two years for one or more intentionally committed offences, or if preventive detention was ordered in connection with the most recent incontestable conviction, or there are grounds for exclusion under section 11. Section 4 (1) sentence 2,

section 12a (2) to (4) and section 37 (2) apply accordingly. The right of declaration according to sentence 1 also exists if the legal status under Article 116 (1) of the Basic Law was not acquired or was lost under the same conditions.

(2) Persons who

1. possessed German citizenship after their birth or possessed it after losing German citizenship by being legitimised with legal effect under German law by a foreign parent, but then renounced, lost or rejected it, or were born to or adopted by a person who renounced, lost or rejected German citizenship; or

2. persons who could have acquired German citizenship under section 4 (4) sentence 2 in conjunction with subsection (1) but have not done so or may still do so

are not entitled to the right of declaration under subsection (1).

(3) The right of declaration under subsection (1) may only be exercised within 10 years of this Act entering into force.

(4) A certificate is issued for the acquisition of German citizenship by declaration.

Section 6

[Acquisition by adoption as a child]

A child younger than 18 years of age at the time of application for adoption acquires German citizenship as a result of valid adoption by a German with legal effect under German law. The acquisition of German citizenship extends to the child's descendants. If the adoption is based on a decision made abroad, German citizenship may be acquired only if the adoption has ended the child's relationship to his or her previous parents and the adoptive relationship is the equivalent of an adoptive relationship based on the German substantive provisions. If the conditions of sentence 3 are not met and the child is declared under section 3 of the Act on the Effect of Adoptions according to Foreign Law (*Adoptionswirkungsgesetz*) to have the legal status of a child adopted under the German substantive provisions, sentence 1 applies accordingly.

Section 7

[Acquisition by issuance of the certificate in accordance with section 15 (1) or (2) of the Federal Expellees Act]

Ethnic German resettlers and their family members included in the admission notice acquire German citizenship when they are issued a certificate in accordance with section 15 (1) or (2) of the Federal Expellees Act.

Section 8

[Discretionary naturalisation]

(1) Foreigners who are legally ordinarily resident in Germany may be naturalised upon application if their identity and nationality have been clarified and they

1. possess legal capacity as defined in section 37 (1) sentence 1 or have a legal representative,

2. have not been sentenced for an unlawful act and are not subject to any court order imposing a measure of reform and prevention due to a lack of criminal capacity,

3. have found a dwelling of their own or accommodation,

4. are able to support themselves and their dependants and

their acceptance of German social norms is assured.

(2) The requirements of subsection (1) nos. 2 and 4 may be waived on grounds of public interest or in order to avoid special hardship.

Section 9

[Naturalisation of spouses or registered civil partners of Germans]

(1) Spouses or registered civil partners of German nationals should, under the conditions of section 10 (1), be naturalised if they have been legally ordinarily resident in Germany for three years and the marriage or registered civil partnership has existed for two years. The length of residence in sentence 1 may be reduced on grounds of public interest if the marriage or registered civil partnership has existed for three years. Minor children of spouses or registered civil partners of German nationals may be naturalised under the conditions of section 10 (1) with their parent even if they have not yet been lawfully resident in Germany for three years. Section 10 (3a), (4), (5) and (6) applies accordingly.

(2) Subsection (1) also applies if the spouse or registered civil partner applies for naturalisation no more than one year after the death of the German spouse or registered civil partner or after a ruling dissolving the marriage or registered civil partnership has become final, the applicant is entitled to custody of a child issuing from the marriage or registered civil partnership who already possesses German citizenship, and the applicant lives with the child as a family unit.

Section 10

[Entitlement to naturalisation; derivative naturalisation of spouses and minor children]

(1) Foreigners who have been legally ordinarily resident in Germany for eight years and possess legal capacity as defined in section 37 (1) sentence 1 or have a legal representative must be naturalised upon application if their identity and citizenship have been established and they

1. confirm their commitment to the free democratic constitutional system enshrined in the Basic Law of the Federal Republic of Germany and declare that they do not pursue or support and have never pursued or supported any activities

a) aimed at subverting the free democratic constitutional system, the existence or security of the Federation or a *Land* or

b) aimed at illegally impeding the constitutional bodies of the Federation or a *Land* or the members of said bodies in discharging their duties or

c) at jeopardising foreign interests of the Federal Republic of Germany through the use of violence or preparatory actions for the use of violence,

or credibly assert that they have distanced themselves from the former pursuit or support of such activities;

2. have a permanent right of residence or as a national of Switzerland or as a family member of a national of Switzerland have a residence permit on the basis of the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons or have an EU Blue Card or a residence permit for purposes other than those specified in sections 16a, 16b, 16d, 16e, 16f, 17, 18d, 18f, 19, 19b, 19e, 20, 22, 23 (1), 23a, 24 and 25 (3) to (5) of the Residence Act,

3. are able to support themselves and their dependants without recourse to benefits in accordance with Book Two or Book Twelve of the Social Code, or if recourse to such benefits is due to conditions beyond their control;

4. give up or lose their previous citizenship;

5. have not been sentenced for an unlawful act and are not subject to any court order imposing a measure of reform and prevention due to a lack of criminal capacity;

6. have sufficient command of the German language;

7. possess knowledge of the legal system, society and living conditions in the Federal Republic of Germany; and

their acceptance of German social norms is assured and in particular do not have multiple spouses. The conditions of sentence 1 nos. 1 and 7 do not apply to foreigners who do not have legal capacity as defined in section 37 (1) sentence 1.

(2) The foreigner's spouse or registered civil partner and minor children may be naturalised together with the foreigner in accordance with subsection (1), even if they have not yet been lawfully resident in Germany for eight years.

(3) For foreigners who confirm that they have successfully completed an integration course by presenting a certificate issued by the Federal Office for Migration and Refugees (BAMF), the qualifying period stipulated in subsection (1) is reduced to seven years. This qualifying period may be reduced to six years for foreigners who have made outstanding efforts at integration, especially if they can demonstrate a command of the German language which exceeds the requirements of subsection (1) sentence 1 no. 6, outstanding achievement in school or occupational training or in their occupation, or civic involvement.

(3a) If the foreign state does not release its nationals from their citizenship until they have been naturalised or have reached a certain age, in derogation from subsection (1) sentence 1 no. 4 nationals of these states will be naturalised and their multiple nationality temporarily accepted on the condition that they take the necessary action to renounce their foreign citizenship immediately after being naturalised or after reaching the required age. This condition is to be waived if, after naturalisation, a reason for the permanent acceptance of multiple nationality under section 12 has arisen.

(4) The requirements specified in subsection (1) sentence 1 no. 6 are met if the foreigner passes a language examination for level B 1 in the Common European Framework of Reference for Languages. If a minor child is under 16 years of age at the time of naturalisation, the requirements of subsection (1) sentence 1 no. 6 are met if the child demonstrates age-appropriate language skills.

(5) As a rule, the requirements of subsection (1) sentence 1 no. 7 are met if the foreigner has passed the naturalisation test. To prepare for the test, naturalisation courses are offered; participation in such courses is voluntary.

(6) The requirements of subsection (1) sentence 1 nos. 6 and 7 are waived if the foreigner is unable to fulfil them on account of a physical or mental illness or disability or on account of his or her age.

(7) The Federal Ministry of the Interior, Building and Community is authorised, by ordinance not requiring approval by the Bundesrat, to issue regulations defining the test and certification requirements as well as the basic structure and content of the naturalisation courses under subsection (5), based on the content of the orientation course under section 43 (3) sentence 1 of the Residence Act (*Aufenthaltsgesetz*).

Section 11 **[Grounds for exclusion]**

Naturalisation is not allowed

1. if there are concrete grounds to assume that the foreigner is pursuing or supporting or has pursued or supported activities aimed at subverting the free democratic constitutional system, the existence or security of the Federation or a *Land* or at illegally impeding the constitutional bodies of the Federation or a *Land* or the members of said bodies in discharging their duties, or any activities which jeopardise foreign interests of the Federal Republic of Germany through the use of violence or preparatory actions for the use of violence, unless he or she credibly asserts that he or she has distanced himself or herself from the former pursuit or support of such activities, or

2. if there is a particularly serious interest in expelling the foreigner in compliance with section 54 (1) nos. 2 or 4 of the Residence Act.

Sentence 1 no. 2 applies accordingly to foreigners within the meaning of section 1 (2) of the Residence Act and also to nationals of Switzerland and their family members having a residence permit on the basis of the Agreement of 21 June 1999 between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons.

Section 12

[Naturalisation accepting multiple nationality]

(1) The condition stipulated in section 10 (1) sentence 1 no. 4 is waived if the foreigner is unable to give up his or her previous citizenship, or can do so only under very difficult conditions. This is to be assumed if

1. the law of the foreign state makes no provision for giving up its citizenship;
2. the foreign state regularly refuses to release its nationals from citizenship;
3. the foreign state has refused to release its nationals from citizenship for reasons beyond the foreigner's control, or attaches unreasonable conditions to release from citizenship or has failed to decide within a reasonable time on the application for release from citizenship which was submitted in due and complete form;
4. the subsequent multiple nationality represents the sole obstacle to the naturalisation of older persons, the process for release from citizenship entails unreasonable difficulties, and failure to grant naturalisation would constitute special hardship;
5. in giving up his or her foreign citizenship, the foreigner would incur substantial disadvantages beyond the loss of his or her civic rights, in particular disadvantages of a financial or property-related nature; or
6. the foreigner holds a travel document in accordance with Article 28 of the Convention relating to the Status of Refugees of 28 July 1951 (Federal Law Gazette 1953 II, p. 559).

(2) The condition stipulated in section 10 (1) sentence 1 no. 4 is further waived if the foreigner holds the citizenship of another member state of the European Union or Switzerland.

(3) Further exemptions from the requirement of section 10 (1) sentence 1 no. 4 may be granted under the terms of agreements under international law.

Section 12a

[Decision in the event of conviction for an offence]

(1) The following are not taken into consideration in the process of naturalisation:

1. educational or disciplinary measures under the Juvenile Court Act (*Jugendgerichtsgesetz*),
2. fines of up to 90 day fines, and
3. suspended sentences of up to three months' imprisonment which are waived after the probationary period expires.

Sentence 1 does not apply if the foreigner was convicted of an antisemitic, racist or xenophobic offence, or other criminal offence evidencing contempt for humanity as referred to in section 46 (2) sentence 2 of the Criminal Code (*Strafgesetzbuch*) and sentenced to a prison term, fine or youth custody and the court judgment found that the offence was based on such a motive.

If more than one term of imprisonment or more than one fine as referred to in sentence 1 nos. 2 and 3 have been imposed, they are to be cumulated, unless doing so would result in a lesser punishment overall; if a fine and imprisonment are imposed simultaneously, one day fine equals one day's imprisonment. If the punishment or the total of all punishments slightly exceeds the framework under sentences 1 and 3, it will be decided in the individual case

whether it can be disregarded. If a measure of reform and prevention under section 61 no. 5 or 6 of the Criminal Code has been imposed, it will be decided in the individual case whether this measure of reform and prevention can be disregarded.

(2) Foreign convictions are to be considered if the offence concerned is to be regarded as punishable in Germany, the sentence has been passed in proceedings conducted in accordance with the rule of law and the sentence is reasonable. Such a conviction cannot be considered if the Federal Central Criminal Register Act (*Bundeszentralregistergesetz*) would require its removal from the records. Subsection (1) applies accordingly.

(3) If a foreigner who has applied for naturalisation is under investigation on suspicion of having committed an offence, the decision on naturalisation is to be deferred until the proceedings have been concluded, and in the case of conviction until the judgment is no longer subject to appeal. The same applies if the imposition of youth custody is suspended under section 27 of the Juvenile Court Act.

(4) Convictions abroad and criminal investigations and proceedings which are pending abroad must be stated in the application for naturalisation.

Section 12b

[Interruptions of residence]

(1) Ordinary residence in Germany is not considered interrupted by stays abroad of up to six months. In case of longer stays abroad, ordinary residence in Germany is deemed to continue if the foreigner re-enters the federal territory within the deadline stipulated by the foreigners authority. The same applies if the deadline is exceeded solely because the foreigner is performing statutory military service in his or her country of origin and the foreigner re-enters the federal territory no more than three months after being discharged from military or community service. In place of sentences 1 to 3, section 4a (6) of the Freedom of Movement Act/EU (*Freizügigkeitsgesetz/EU*) applies accordingly to nationals of another member state of the European Union and nationals of an EEA state, their family members and persons close to them who have a right of residence under section 3a of the Freedom of Movement Act/EU; to persons who have a right of residence under Union law in accordance with section 12a of the Freedom of Movement Act/EU; and to persons who have a right of residence described in section 16 of the Freedom of Movement Act/EU.

(2) If the foreigner has stayed abroad longer than six months and none of the conditions of subsection (1) sentences 2 to 4 are met, previous residence in Germany may be counted towards the length of residence required for naturalisation, up to a period of five years.

(3) Interruptions of lawful residence are disregarded if they arise because the foreigner has failed to apply in sufficient time for initial issuance or subsequent extension of the residence title. Subsection (2) applies accordingly to interruptions of lawful residence for other reasons.

Section 13

[Discretionary naturalisation of former Germans abroad]

Former Germans and their minor children who are ordinarily resident abroad may be naturalised upon application if their identities and nationalities have been established and they meet the requirements of section 8 (1) nos. 1 and 2.

Section 14

[General discretionary naturalisation abroad]

Foreigners who are ordinarily resident abroad may be naturalised subject to the conditions of section 8 if they have ties with Germany which justify naturalisation. Foreigners whose spouse or registered civil partner is a German may, under sentence 1, be naturalised if one spouse's or registered civil partner's residence abroad is in the public interest.

Section 15

[Naturalisation on grounds of restitution of German citizenship]

Persons who, between 30 January 1933 and 8 May 1945, in connection with persecution for the reasons listed in Article 116 (2) sentence 1 of the Basic Law

1. gave up or lost their German citizenship before 26 February 1955,
2. were excluded from lawfully acquiring German citizenship through marriage, legitimisation or the collective naturalisation of ethnic Germans,
3. were not naturalised upon application or were generally excluded from naturalisation which would otherwise have been possible upon application, or
4. gave up or lost their ordinary residence in Germany, if established before 30 January 1933 or, if they were children at the time, after that date,

and their descendants are to be naturalised upon application if they possess legal capacity as defined in section 37 (1) sentence 1 or have a legal representative, unless they have been incontestably sentenced to a prison term or a term of youth custody of at least two years for one or more intentionally committed offences, or if preventive detention was ordered in connection with the most recent incontestable conviction; section 12a (1) does not apply. Persons who had German citizenship after 8 May 1945 but renounced or lost it, or were born to or adopted by a person who renounced or lost German citizenship are not entitled to naturalisation under sentence 1. Persons who lost German citizenship after 8 May 1945 are entitled to claim naturalisation if their citizenship as lost through marriage to a foreigner or through legitimisation by a foreigner with legal effect under German law.

Section 16

[Certificate of naturalisation]

Naturalisation takes effect when the certificate of naturalisation issued by the competent administrative authority is handed over to the foreigner. Before the certificate is handed over to the foreigner, he or she must make the following solemn statement: "I solemnly declare that I will obey the Basic Law and the laws of the Federal Republic of Germany, and that I will refrain from any activity which might cause it harm." Section 10 (1) sentence 2 applies accordingly.

Section 17

[Loss of citizenship]

(1) Citizenship is lost

1. by release from citizenship (sections 18 to 24),
2. by acquiring a foreign citizenship (section 25),
3. by renunciation (section 26),
4. by adoption as a child by a foreigner (section 27),
5. by joining the armed forces or a comparable armed organisation of a foreign state or by actively participating in fighting by a terrorist organisation abroad (section 28),
6. by declaration (section 29), or
7. by withdrawing an unlawful administrative act (section 35).

(2) Loss of citizenship under subsection (1) no. 7 does not affect German citizenship which third persons have acquired by law, if they have reached the age of five.

(3) Subsection (2) applies accordingly to decisions pursuant to other acts which would result in the retroactive loss of German citizenship of third persons, in particular the withdrawal of a permanent settlement permit under section 51 (1) no. 3 of the Residence Act, the withdrawal of a certificate under section 15 of the Federal Expellees Act, and the finding of non-existence of paternity in accordance with section 1599 of the Civil Code (*Bürgerliches Gesetzbuch*). Sentence 1 does not apply if paternity is contested under section 1600 (1) no. 5 and (3) of the Civil Code.

Section 18
[Release from citizenship]

Germans are released from citizenship upon application if they have applied for foreign citizenship and the competent body has assured them that citizenship will be granted.

Section 19
[Release from citizenship of a person in parental custody or the care of a guardian]

(1) Application for the release from citizenship of a person in parental custody or in the care of a guardian may only be filed by the legal representative and requires approval from the German family court.

(2) The approval of the family court is not required if the father or mother applies for release from citizenship for himself or herself and for a child at the same time by virtue of the right of custody and the applicant is entitled to custody for the child concerned.

Sections 20 and 21
(repealed)

Section 22
[Refusal of release from citizenship]

Release from citizenship must not be granted to

1. civil servants, judges, members of the Bundeswehr or other persons employed in a service or official capacity under public law, for as long as they remain employed in said service or official capacity, with the exception of persons employed in an honorary capacity;
2. persons liable to military service, until the Federal Ministry of Defence or a body designated by it has confirmed that no reservations exist regarding release from citizenship.

Section 23
[Certificate of release]

Release from citizenship takes effect when the certificate of release from citizenship issued by the competent administrative authority is handed over to the applicant.

Section 24
[Invalidity of release from citizenship]

The release from citizenship is deemed to be null and void if the released person fails to acquire the foreign citizenship of which he or she was assured within one year of receiving the certificate of release.

Section 25
**[Loss of citizenship when acquiring a foreign citizenship upon application;
permission to retain German citizenship]**

(1) Germans lose their citizenship when they acquire foreign citizenship, if the foreign citizenship is acquired upon application by them or by their legal representative; however, German citizenship is lost only if the requirements for applying for release from citizenship as stipulated in section 19 are met. The loss under sentence 1 does not take effect if a German acquires the citizenship of another member state of the European Union, of Switzerland or of a state with which the Federal Republic of Germany has signed a treaty under section 12 (3).

(2) No one loses citizenship who, before acquiring foreign citizenship upon application, received written permission from the competent authority to retain their citizenship. If an applicant is ordinarily resident abroad, the German mission abroad is to be consulted. The public and private interests are to be weighed up in deciding on an application under sentence 1. With regard to applicants who are ordinarily resident abroad, the question of

whether they are able to furnish credible evidence of continuing ties to Germany is to be given special consideration.

(3) (repealed)

Section 26 **[Renunciation]**

(1) Germans may renounce their citizenship if they have multiple citizenships. Such a renunciation must be declared in writing.

(2) The written declaration of renunciation requires the approval of the authority competent to issue the certificate of release under section 23. Approval is to be withheld if release must not be granted under section 22; this does not apply, however, if the person renouncing citizenship

1. has permanently resided abroad for at least 10 years or

2. has performed military service in one of the states whose citizenship he or she has as a person liable to military service within the meaning of section 22 no. 2.

(3) The loss of citizenship takes effect when the certificate of renunciation issued by the approving authority is handed over to the applicant.

(4) Section 19 applies accordingly to minors.

Section 27 **[Loss of citizenship on adoption by a foreigner]**

Germans under the age of majority lose their German citizenship as a result of adoption with legal effect under German law by a foreigner, if they acquire the adopting person's citizenship by virtue of such adoption. The loss of citizenship extends to their descendants if the adoptees' acquisition of citizenship as referred to in sentence 1 also extends to their descendants. The loss pursuant to sentence 1 or 2 does not take effect if the adoptees or their descendants maintain a legal relation to their German parent or are ordinarily resident in Germany. Section 25 (1) sentence 2 applies accordingly.

Section 28 **[Loss of citizenship as a result of joining the armed forces or a comparable armed organisation of a foreign state]**

(1) Germans

1. who, without the consent of the Federal Ministry of Defence or a body designated by it, voluntarily enlist with the armed forces or a comparable armed organisation of a foreign state whose citizenship they possess, or

2. who actively participate in fighting by a terrorist organisation abroad

lose German citizenship unless they would otherwise become stateless.

(2) The loss referred to in subsection (1) does not take effect

1. if the German is still a minor or

2. in the case of subsection (1) no. 1 if he or she is entitled, on the basis of a bilateral treaty, to join the armed forces or armed organisation.

(3) In the case of subsection (1) no. 2, loss of citizenship is to be determined *ex officio* under section 30 (1) sentence 3. For all Germans who are ordinarily resident in Germany, this assessment is made by the supreme *Land* authority or the authority designated by it under *Land* law. If the person concerned is still abroad, the assessment that he or she has lost German citizenship is not contestable; any legal actions have no suspensive effect.

Section 29 **[Declaration]**

(1) The following persons are required to declare whether they wish to retain their German or foreign citizenship:

1. persons who have acquired German citizenship under section 4 (3) or section 40b,
2. persons who did not grow up in Germany as defined in subsection (1a),
3. persons having a foreign citizenship other than that of another European Union member state or Switzerland, and
4. persons who within a year of their 21st birthday have been notified of the requirement to declare in accordance with subsection (5) sentence 5.

Persons required to declare must declare after their 21st birthday whether they wish to retain their German or their foreign citizenship. The declaration must be submitted in writing.

(1a) Germans as defined in subsection (1) are regarded as having grown up in Germany if, by their 21st birthday, they

1. have ordinarily resided in Germany for eight years,
2. have attended school in Germany for six years, or
3. have completed school or occupational training in Germany.

Persons having a similarly close relation to Germany in the individual case and for whom having to declare would represent a special hardship under the circumstances of the case are also regarded as having grown up in Germany as defined in sentence 1.

(2) If Germans required to declare as defined in subsection (1) declare the intention to retain the foreign citizenship, German citizenship is lost when the competent authority receives the declaration.

(3) If Germans as defined in subsection (1) declare the intention to retain German citizenship, they are required to furnish proof that they have given up or lost the foreign citizenship. If they have not lost their foreign citizenship within two years of being notified of the requirement to declare in accordance with subsection (5), they will lose their German citizenship, unless, as Germans defined in subsection (1), they received prior written permission from the competent authority to retain German citizenship (*Beibehaltungsgenehmigung*). The application for permission to retain German citizenship, including as a precautionary measure, may only be filed within one year of notification of the requirement to declare under subsection (5). The loss of German citizenship does not take effect until the refusal of permission becomes legally valid. The possibility of provisional legal redress pursuant to section 123 of the Code of Administrative Procedure (*Verwaltungsgerichtsordnung*) remains unaffected.

(4) Permission to retain German citizenship referred to in subsection (3) is to be granted where renunciation or loss of the foreign citizenship is not possible or cannot reasonably be expected or where acceptance of multiple citizenship would be required in case of naturalisation in accordance with section 12.

(5) At the request of a German who acquired German citizenship in accordance with section 4 (3) or section 40b, the competent authority determines that German citizenship continues in accordance with subsection (6) if the necessary conditions are met. If the continuation of German citizenship has not been determined by the German's 21st birthday, the competent authority uses the registration data to determine whether the conditions of subsection (1a) sentence 1 no. 1 are met. If this is not possible to determine, the authority informs the person in question of the possibility to provide evidence that the conditions of subsection (1a) have been met. If such evidence is provided, the competent authority determines that German citizenship continues in accordance with subsection 6. If no evidence is provided, the competent authority is to notify the person in question of his or her obligations and the possible legal consequences referred to in subsections (2) to (4). This notification is to be

formally served. The provisions of the Act on Service in Administrative Procedure (*Verwaltungszustellungsgesetz*) apply.

(6) The continuation or loss of German citizenship in accordance with this provision is to be determined *ex officio*. The Federal Ministry of the Interior, Building and Community may, by way of ordinance requiring the consent of the Bundesrat, issue regulations concerning the procedure to determine the continuation or loss of German citizenship.

Section 30

[Determining German citizenship]

(1) Whether someone has or lacks German citizenship is determined by the nationality authority upon application, if there is sufficient evidence of a legitimate interest. The outcome of this assessment is binding in all matters for which possession or lack of German citizenship is of legal relevance. If there is a public interest, possession of German citizenship or the lack thereof may be determined *ex officio*.

(2) To determine whether a person has German citizenship it is necessary and sufficient to give reliable evidence, in the form of documents, extracts from the population registers or other written evidence, that the person acquired German citizenship and has not since lost it. Section 3 (2) remains unaffected.

(3) If it has been determined upon application that a person has German citizenship, the nationality authority issues a certificate of nationality. Upon application, the nationality authority issues a certificate confirming the lack of German citizenship.

Section 31

[Personal data]

Nationality authorities and missions abroad may process personal data as far as necessary to discharge their duties under this Act and in accordance with provisions relating to nationality contained in other laws. Personal data, the processing of which is prohibited by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1; L 314, 22.11.2016, p. 72; L 127, 23.5.2018, p. 2) in the applicable version, may be processed if the personal data were transmitted to the naturalisation authorities, in accordance with section 37 (2) sentence 2, by the authorities for the protection of the Constitution for the purpose of investigating grounds for exclusion under section 11, or if processing is otherwise necessary in the individual case to perform official duties. For decisions on the citizenship of persons as specified in Article 116 (2) of the Basic Law, this also applies to data relating to the political, racial or religious grounds on which these persons were deprived of their German citizenship between 30 January 1933 and 8 May 1945.

Section 32

[Transmitting data to nationality authorities]

(1) Public bodies are to transmit personal data to the bodies specified in section 31 upon request, if knowledge of these data is necessary to discharge the duties referred to in section 31. Public bodies are to transmit these data to the competent nationality authority even without a request if the public body considers such transmission to be necessary for the nationality authority to decide on a pending application for naturalisation or loss or non-acquisition of German citizenship. With regard to naturalisation procedures, this refers particularly to data relating to the initiation and execution of criminal proceedings, proceedings for the collection of fines, and extradition procedures of which the foreigners authorities became aware under section 87 (4) of the Residence Act. The data referred to in sentence 3 are to be transmitted without delay to the competent nationality authority.

(2) Personal data are not transmitted pursuant to subsection (1) if such transmission would conflict with special statutory regulations on processing.

Section 32a

[Transmitting data for criminal investigations of tax law violations]

Section 88 (3) sentence 1 of the Residence Act applies accordingly to naturalisation procedures.

Section 33

[Register of decisions relating to nationality law]

(1) The Federal Office of Administration (registration authority) maintains a register of decisions relating to citizenship matters. The following items of information are entered in the register:

1. decisions on documents related to nationality status;
2. decisions on the possession and statutory loss of German citizenship;
3. decisions on the acquisition, possession and loss of German citizenship made between 31 December 1960 and 28 August 2007.

(2) The following items of information may be stored in the register:

1. the basic personal data of the person concerned (surname, surname at birth, former surnames, given names, date and place of birth, sex, and the postal address at the time of the decision) and any blocks on releasing information pursuant to section 51 of the Federal Act on Registration (*Bundesmeldegesetz*),
2. legal basis and date of the certificate or of the decision, and legal basis and date of the acquisition or loss of citizenship; in cases governed by section 3 (2) also the date as of which the acquisition applies,
3. name, postal address and file reference of the authority which made the decision.

(3) The nationality authorities are required to immediately transmit to the registration authority all personal data referred to in subsection (2) relating to decisions made under subsection (1) sentence 2 nos. 1 and 2 after 28 August 2007.

(4) The registration authority transmits the data referred to in subsection (2) to the nationality authorities and missions abroad upon their request if knowledge of the data is necessary to discharge their duties relating to nationality law. The provisions of the Federal Data Protection Act (*Bundesdatenschutzgesetz*) apply to the transmission to other public bodies or for research purposes. Information listed in subsection (1) may only be transmitted for research purposes in anonymised form or if the scientific interest in the research project significantly outweighs the interest of the data subject in excluding the processing of his or her data.

(5) Immediately after determining that a person has been naturalised, retains German citizenship or has lost, renounced or never acquired German citizenship, the nationality authority transmits the data specified in subsection (2) to the competent registration authority or to the competent mission abroad.

Section 34

[Opting procedure]

(1) For the opting procedure, when German citizenship is acquired in accordance with section 4 (3) or section 40b and may be lost under section 29, the registration authority is to transmit, by the 10th day of each calendar month, to the competent nationality authority the following personal data relating to persons who will turn 21 in the following month:

1. surname,
2. previous names,
3. given names,

4. current and previous addresses and, if the person has immigrated from abroad, the last previous address in Germany,
5. date moved in, date moved out, date last moved out of a residence in Germany and date last moved to Germany from abroad,
6. date and place of birth,
7. sex,
8. current nationalities,
9. the fact that the person may lose German citizenship under section 29,
10. any blocks on releasing information under section 51 of the Federal Act on Registration.

(2) If a person referred to in subsection (1) has moved to a foreign country, the competent registration authority must transmit the data specified in subsection (1), the date when the person moved abroad and the new address abroad, if known, to the Federal Office of Administration within the period specified in subsection (1). If the person has immigrated from abroad, sentence 1 applies accordingly.

Section 35

[Withdrawal of unlawful naturalisation or permission to retain German citizenship]

- (1) Any unlawful naturalisation or permission to retain German citizenship may be withdrawn only if the administrative act was obtained under false pretences, by threat or bribery or by deliberately providing incorrect or incomplete information on which the administrative act was based.
- (2) As a rule, subsequent statelessness of the person concerned does not preclude such withdrawal.
- (3) Withdrawal is permitted no more than 10 years after the person has been notified of naturalisation or permission to retain German citizenship.
- (4) The administrative act is withdrawn with retroactive effect.
- (5) If the withdrawal affects the lawfulness of administrative acts pursuant to this Act with regard to third persons, a discretionary decision on the merits of the individual case is to be taken for every person affected. In particular, when reaching the decision, involvement of the third person concerned in committing fraud, threat or bribery or in deliberately providing incorrect or incomplete information is to be weighed against his or her legitimate interests, also taking particular account of the welfare of the child.

Section 36

[Naturalisation statistics]

- (1) Annual naturalisation surveys are conducted for the purposes of federal statistics, beginning in 2000 and relating in each case to the previous calendar year.
- (2) The surveys cover the following attributes for each naturalised person:
 1. year of birth,
 2. sex,
 3. marital status,
 4. place of residence at the time of naturalisation,
 5. length of residence in the federal territory in years,
 6. legal basis for naturalisation,
 7. previous citizenships and

8. continuation of previous citizenships.

(3) Supplementary attributes covered in the survey are

1. designations and addresses of those obliged to furnish information under subsection (4),

2. names and telecommunication numbers of the persons available to answer queries and

3. registration number of the naturalised person at the naturalisation authority.

(4) The surveys are subject to an obligation to furnish information. The naturalisation authorities are required to furnish information. The naturalisation authorities must provide the information to the competent statistical offices of the *Länder* by 1 March each year. Provision of the information pertaining to subsection (3) no. 2 is voluntary.

(5) The Federal Statistical Office and statistical offices of the *Länder* may transmit tables containing statistical results, including where a field in a table only shows a single case, to the competent highest federal and *Land* authorities for use in dealing with the legislative bodies and for planning purposes, but not for measures pertaining to individual cases.

Section 37 **[Procedural provisions]**

(1) Anyone who is 16 years of age or older is capable of performing procedural actions pursuant to this Act, unless he or she would not have legal capacity according to the Civil Code or, on attaining majority, would require supervision and prior approval in this matter. Section 80 (3) and section 82 of the Residence Act apply accordingly.

(2) The naturalisation authorities transmit the personal data which they have stored on applicants aged 16 or over to the authorities for the protection of the Constitution for the purpose of investigating grounds for exclusion in accordance with section 11. The authorities for the protection of the Constitution notify the inquiring body without delay in accordance with the applicable special statutory provisions on the processing of the said data.

Section 38 **[Fees]**

(1) In the absence of any statutory provision to the contrary, fees and expenses are charged for individually attributable public services in citizenship matters.

(2) Fees are charged for

1. naturalisation: 255 euros

2. release from citizenship: 51 euros

3. permission to retain citizenship: 255 euros

4. determining upon application whether a person has German citizenship: 51 euros

5. issuing any other certificate: at least 5 euros and no more than 51 euros.

This fee is reduced to 51 euros for a minor child who is naturalised at the same time and who has no independent income as defined in the Income Tax Act (*Einkommensteuergesetz*). A fee of 25 euros up to the full fee for the service applied for is charged to revoke or withdraw a service applied for under sentence 1, if the applicant is the reason for revoking or withdrawing; to refuse or withdraw an application for a service after processing has begun; and to reject or withdraw an objection after processing has begun.

(3) The following services are free of charge:

1. naturalisation under Article 116 (2) sentence 1 of the Basic Law and certification of citizenship under Article 116 (2) sentence 2 of the Basic Law,

2. naturalisation under section 15,

3. naturalisation of former Germans who lost their German citizenship by marrying a foreigner,
 4. citizenship acquired by declaration under section 5,
 5. renunciation,
 6. permission to retain citizenship under section 29 (4) and
 7. ex officio determination under section 30 (1) sentence 3 and section 29 (5) sentences 1 and 6 whether a person has German citizenship.
- (4) The fee stipulated in subsection (2) may be reduced or waived on grounds of equity or public interest.

Section 38a

[Ban on issuing documents related to nationality status in electronic form]

Issuing certification pertaining to citizenship matters in electronic form is not permitted.

Section 39

[Regulations for certificates]

The Federal Ministry of the Interior, Building and Community is authorised, by way of ordinance requiring the consent of the Bundesrat, to issue regulations concerning formal requirements for certificates of naturalisation, release from and renunciation of citizenship, acquisition of German citizenship by declaration, as well as certificates of nationality and permission to retain citizenship under section 25 (2) and their period of validity.

Section 40

(repealed)

Section 40a

(repealed)

Section 40b

[Transitional provision for children up to the age of 10]

Foreigners who are legally ordinarily resident in Germany on 1 January 2000 and are under 10 years of age are to be naturalised upon application if the conditions referred to in section 4 (3) sentence 1 were met at the time of their birth and continue to be met. The application may be filed up to 31 December 2000.

Section 40c

[Transitional provision for persons applying for naturalisation]

Sections 8 to 14 and section 40c as last amended before 28 August 2007 (Federal Law Gazette I, p. 1970) are to be applied to applications for naturalisation filed before 30 March 2007, as far as these sections contain more favourable provisions.

Section 41

[No possibility of deviation on the part of the *Länder*]

Land law must not deviate from the provisions of the administrative procedure set out in sections 32, 33 and 37 (2) of this Act.

Section 42

[Penal provision]

Anyone who furnishes or uses incorrect or incomplete information concerning essential requirements for naturalisation with a fraudulent intent to procure naturalisation for themselves or any other person will be punished with imprisonment of up to five years or a fine.