



Press release

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Easier path to German citizenship for descendants of victims of Nazi persecution

Minister Seehofer issues two decrees allowing restoration of German citizenship

As of today, descendants of victims of National Socialist persecution will be able to acquire German citizenship more easily. This is because the Federal Ministry of the Interior, Building and Community (BMI) has issued two comprehensive decrees to facilitate the acquisition of German citizenship for people resident abroad who are descendants of Germans persecuted under the National Socialist regime, and who are not entitled to restoration of citizenship under Article 116 (2) of the Basic Law (*Grundgesetz*).

Federal Minister of the Interior Horst Seehofer said: *“Germany must live up to its historical responsibility towards descendants of German victims of National Socialist persecution who have been deprived of citizenship rights. This applies particularly to those whose parents or grandparents were forced to flee abroad. The decrees being issued today will provide a swift, directly applicable rule allowing such persons to acquire German citizenship.”*

According to Article 116 (2) of the Basic Law, former German citizens who, between 30 January 1933 and 8 May 1945, were deprived of their citizenship as a result of injustices perpetrated by the National Socialist regime, are entitled to have their citizenship restored, upon request. This also applies to the descendants of persons whose citizenship was revoked, as the injustices perpetrated against their forebears prevented them from becoming German citizens by descent. Under certain scenarios of similar historical injustice, potential claimants do not, for legal reasons, qualify for citizenship under Article 116 (2) of the Basic Law.

Until 2007, it was possible for them to obtain citizenship based on Section 13 of the Nationality Act (*Staatsangehörigkeitsgesetz, StAG*), which at that time could be applied to descendants of former Germans who did not meet the terms of Article 116 (2) of the Basic Law. However, in 2007 this provision was restricted to descendants who were minors, as the legislator no longer deemed it to be in the public interest to naturalize adult descendants of former Germans who had been resident abroad for generations. However, as such cases continued to occur in considerable numbers, the BMI issued a decree on 28 March 2012 allowing naturalization under easier conditions.

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The Brexit referendum in the United Kingdom led to a spike in applications for (restored) citizenship under Article 116 (2) of the Basic Law: in 2015 there had been 43 such applications, but in 2016 there were 684; in 2017 the number rose to 1,667 and in 2018 it was 1,506. In addition, many applications for citizenship that came from the UK, and from other countries, were not covered by Article 116 (2) of the Basic Law or by any current decrees.

The BMI considers it a sign of great trust that descendants of emigrated victims of National Socialist persecution now wish to acquire German citizenship. This is why the BMI has created more options, in the form of these decrees, for the benefit of descendants who wish to become German.

Persons who stand to benefit from the decrees include:

- children born in wedlock before 1 April 1953 to German mothers whose citizenship had been revoked and foreign fathers;
- children born out of wedlock before 1 July 1993 to German fathers whose citizenship had been revoked and foreign mothers, provided the paternity of those children was recognized or determined under German law prior to their reaching the age of 23;
- children whose German parent had acquired foreign citizenship and lost their German citizenship amid National Socialist persecution, including children whose mothers emigrated as a result of persecution and lost their citizenship under Section 17, number 6, of the former Imperial and State Nationality Law (*RuStAG a.F.*) prior to 1 April 1953 by marrying a foreign man;

and their descendants up to a generational cut-off point that was written into law on 1 January 2000 in accordance with Section 4 (4) of the Nationality Act. This corresponds to the scope of Article 116 (2) of the Basic Law.

Thus, any descendants who fulfil the above criteria can acquire German citizenship, whether they are from the second, third, fourth, or in some cases even fifth generation. For their descendants born after they acquired citizenship, in other words for subsequent generations, the usual regulations governing citizenship by descent apply (Section 4 (1) or (4) of the Nationality Act in cases of continued residence abroad).

The decrees also cover children of German citizens who were not affected by National Socialist persecution but who, owing to earlier unconstitutional regulations on descent, were excluded from acquiring German citizenship at birth, including their descendants up to the generational cut-off point.

For eligible persons affected by National Socialist persecution, citizenship requirements will be reduced to a minimum. Such persons will not have to prove that they are able to support themselves financially. The language requirement will be cut to a basic level of German, and a basic knowledge of the legal and social order and the living standards prevailing in Germany will be sufficient. Applicants will not have to take a test, but simply meet

with a member of staff in person at the relevant diplomatic representation abroad, who will determine that the requirements have been met. These meetings will be conducted in a spirit of goodwill. Eligible persons will not be required to give up other nationalities they may possess and will be naturalized free of charge.

The regulations are applicable with immediate effect. The legal basis is the provision for the naturalization of foreigners ordinarily resident abroad, as set out in Section 14 of the Nationality Act. The details set out in the decrees mean that we now have a regulation that entitles any persons in the categories described above who fulfil the specified requirements to be naturalized.

For persons in similar situations but whose particular circumstances are not covered by the decrees, decisions can be made on a case-by-case basis. Such decisions are to be based on the criteria of the decrees.

Applications can be made immediately via German diplomatic representations abroad.