Reform of the State Citizenship Law (July 15, 1999)

Abstract

With the Law on the Reform of Citizenship Law of July 15, 1999, the federal legislature decided, in contrast to the previously applicable regulation, to improve the position of EU citizens in terms of European integration in that they no longer have to give up their previous citizenship before naturalization in Germany if the other EU member state does the same for naturalizations of Germans.

Source

Article 1: Alteration of the Empire- and State-Citizenship Law

[…] A child born to foreign parents in domestic territory shall acquire German citizenship when one parent:

Has legally held permanent and consistent residence in the domestic territory for eight years and

Possesses a residence permit or has possessed for three years a residence permit for an unrestricted period.

[…] Where the person undertaking the obligations stipulated in article 1 states a desire to keep his foreign citizenship, German citizenship will be revoked when the statement is received by the relevant authorities. It will also be lost where no statement has been made prior to his twenty-third birthday.

Where the person incurring the obligation stated in paragraph 1 states a desire to keep his German citizenship, he must prove that he has given up or lost his foreign citizenship. If such proof is not provided by his twenty- third birthday, German nationality shall be lost unless the German government has already received per application the written approval of the relevant authorities to retain German citizenship. […]

Article 2: Alteration of the Foreigner Law

(1) […] A foreigner who has legally had permanent and consistent residence in the domestic territory for eight years is eligible for naturalization per application when he:

Acknowledges the liberal democratic order of the Federal Republic's Basic Law and declares that he has not pursued or supported any actions that are directed against this liberal democratic basic order, the stability or security of the federation or a state; which are intended as an illegal encroachment on the government or on constitutional institutions of the federation or a state or their members; or which endanger the external interests of the Federal Republic of Germany by application of or preparations

for violence;

Possesses a residence permit or right of residence;

Can prove he can provide for himself and any family members entitled to aid without resort to social or unemployment assistance;

Gives up or loses his previous nationality; and

Has not been convicted of a crime.

The requirement in number 3 will be waived when the foreigner can show he is unable to provide without recourse to social or unemployment assistance for reasons beyond his control.

(2) The foreigner's spouse and underage children can be naturalized according to article 1 even if they have not had permanent residence in the domestic territory for eight years. [...]

Source of the German original: *Bundesgesetzblatt* 38 (1999), pp. 1618-23.

Source of English translation: Deniz Göktürk, David Gramling, and Anton Kaes, eds., *Germany in Transit. Nation and Migration 1955-2005.* Berkeley: University of California Press, 2007, pp. 169-170.

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