

## **Information on the Naturalization Claim under Article 116 ( 2) of the German Basic Law**

### **Who has a claim?**

Former German citizens who between January 30, 1933, and May 8, 1945, were deprived of their German citizenship on political, racial, or religious grounds may reinvoke their citizenship. This also applies to their descendants.

### **What does it mean to be "deprived of German citizenship on political, racial, or religious grounds?"**

Anyone who either automatically lost his/her German citizenship under §2 of the 11th Regulation on the Reich Citizens Law of November 25, 1941 (this affected all German citizens of the Jewish faith who had their permanent residence abroad when the regulation entered into force – November 27, 1941 – or later) or who individually was deprived of his/her German citizenship under the July 14, 1933, law on revoking naturalization and depriving German citizenship is deemed to have been deprived of his/her German citizenship on political, racial, or religious grounds. Individual cases in which German citizenship had been deprived were published in the Reich Law Gazette.

### **How do I file my claim?**

Whoever was deprived of his/her German citizenship will not be treated as a German citizen as long as he/she does not invoke German citizenship. This is done by filing an application for "restoration of German citizenship" or by "establishing residency" in Germany. This also applies to descendants.

If your permanent residence is located abroad, the German Federal Office of Administration (*Bundesverwaltungsamt*) is responsible for your application for restoration of German citizenship. If you are establishing residency in Germany, please contact your local authority for citizenship issues.

### **What happens if I have meanwhile acquired another citizenship on application?**

Those who, after having been deprived of their German citizenship, have acquired a foreign citizenship on application also are entitled to have their German citizenship restored. This also applies to descendants.

### **Which descendants are entitled to claim restoration of German citizenship?**

A descendant born after a parent was deprived of his/her German citizenship and before the parent's citizenship was restored also has a claim under Article 116 (2) of the Basic Law. This, however, applies only if the descendant would have acquired German citizenship by birth under the prevailing provisions of the Reich and Citizenship Law (RuStAG) or the Citizenship Law (StAG), had his/her father or mother or his/her grandfather or grandmother not been deprived of German citizenship.

### **When does a legitimate descendant acquire German citizenship?**

#### Born before April 1, 1953

Until April 1, 1953, German citizenship could be acquired from the father only. If only the mother was a German citizen, it was not passed on to the children.

#### Born between April 1, 1953, and December 31, 1974

During this period, German citizenship generally could be derived only from the father. It could be handed down from the mother only if the child otherwise would have been stateless. If this was not the case, it was possible to acquire German citizenship from the mother through a statement. This option, however, was available only until December 31, 1977. For reasons of restitution, the Federal Office of Administration applies Article 116 (2) of the Basic Law also to these descendants of formerly German mothers.

#### Born on or after January 1, 1975

As of January 1, 1975, the child acquires German citizenship by birth if one parent has German citizenship.

### **When does a descendant born out of wedlock acquire German citizenship?**

#### Born on or before June 30, 1993

A child born out of wedlock to a German mother may acquire German citizenship from the mother only.

#### Born between July 1, 1993, and June 30, 1998

A child born out of wedlock acquires German citizenship if one parent is a German citizen at the time of birth. If only the father is a German citizen, it is necessary to determine paternity, effective under German law, in order for the child to acquire German citizenship. The process of determining paternity must be initiated before the child turns 23 years old.

#### Born on or after July 1, 1998

A child born out of wedlock acquires Germany citizenship if one parent is a German citizen at the time of birth. If only the father is a German citizen and paternal descent has not been legally determined, paternity must first be acknowledged or determined in order for the child to acquire German citizenship.

### **What do I have to do if I want to file an application for restoration of German citizenship?**

Please contact the nearest German foreign mission. There, you will receive the application form and counseling, if necessary.

### **What documents are necessary?**

To prove that the criteria have been met, you must present certified copies of the following documents and translations prepared by a certified translator:

- birth certificate of the applicant
- birth certificates of the applicant's parents
- marriage certificate of the applicant's parents
- previous German IDs or other documents of the applicant, his/her parents, or grandparents indicating former German citizenship (e.g. registration documents), if available
- document on acquisition of affiliation with the Palestinian mandate or other citizenship of the applicant, his/her parents, or grandparents
- any other documents indicating previous German citizenship and Jewish faith

In individual cases, additional documents may be necessary (e.g. birth certificates and marriage certificate of the grandparents).

Should family members already have filed applications for restoration of German citizenship or have had their citizenship restored, please provide their names, birth dates, file nos., and the authority that issued the certificate.

**Note**

Whoever, in connection with persecution practiced by the National-Socialist regime, has acquired foreign citizenship without having been previously deprived of his/her German citizenship has a claim to naturalization under §12 of the Law on the Settlement of Citizenship Issues of February 22, 1995. Descendants of these persons were entitled to claim citizenship only until December 31, 1970.