

## Answer

of the Federal Government

to the Minor Interpellation submitted by the Members of the Bundestag Volker Beck, Luise Amtsberg, Manuel Sarrazin, further Members and the Alliance 90/The Greens parliamentary group

– Printed paper 18/9181 –

### Naturalisation of British nationals

Preliminary remarks of the questioners

Following the referendum on the United Kingdom's exit from the European Union, Vice-Chancellor Sigmar Gabriel has called for British nationals living in Germany to be allowed to acquire German nationality without having to give up their British nationality ([www.welt.de/politik/deutschland/article156756461/Gabriel-will-junge-Briten-in-Deutschland-einbuergern.html](http://www.welt.de/politik/deutschland/article156756461/Gabriel-will-junge-Briten-in-Deutschland-einbuergern.html)).

The following already applies currently:

- **British nationals can be naturalised without relinquishing their British nationality** (Sections 12 (2), 10 (1) Sentence 1 Number 4 of the Nationality Act (*Staatsangehörigkeitsgesetz*)).
- **Naturalisation does not necessarily require the applicants to have resided in Germany for a particular period of time** (Section 8 of the Nationality Act).

Whilst it is true that under the provisional guidelines on the application of the Nationality Act issued by the Federal Ministry of the Interior discretionary naturalisation usually requires a prior lawful residence of at least six years (figure 8.1.2.2.), the application guidelines are not legally binding. The *Länder* (federal states) are in charge of enforcing the Nationality Act under the division of responsibilities set forth in the German Basic Law.

This notwithstanding, the parliamentary group submitting the Minor Interpellation believes further legal simplifications of the naturalisation process are necessary. As such we make reference to the draft law on facilitating naturalisation and the acceptance of multiple nationality (Bundestag printed paper 18/5631).

We ask the Federal government:

1. In the scope of its information policies to what extent is the Federal Government drawing attention to the fact that British people residing in Germany under freedom of movement provisions can be naturalised without relinquishing their British nationality?

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*The answer was provided on behalf of the Federal Government in the letter from the Federal Ministry of the Interior dated 27 July 2016.*

*The printed paper also contains the text of the question – in smaller type.*

The Federal Government points out – independently of the BREXIT discussion – in manifold ways, *inter alia* through brochures and on the websites of the Federal Ministry of the Interior, the Federal Foreign Office and the Integration Commissioner, in particular in the FAQs, that nationals of other EU Member States, so the United Kingdom as well, have a right to naturalisation with acceptance of more than one nationality if they meet the other naturalisation requirements.

2. To what extent does the Federal Government share the view of the questioning parliamentary group that the legal provision in Section 8 of the Nationality Act does not set forth any particular period of prior residence for discretionary naturalisation?

In addition to the statutory minimum requirements, Section 8 of the Naturalisation Act (StAG) stipulates that there must be a public interest for naturalisation in the scope of the discretionary process. The public interest must be assessed in accordance with the General Administrative Regulation to Implement Nationality Law (StAR-VwV), which was issued by the Federal Government pursuant to Article 84 (2) and Article 86 Sentence 1 of the German Basic Law with the consent of the Bundesrat *inter alia* on the uniform exercise of the discretionary powers. Under Number 8.1.2.2 StAR-VwV discretionary naturalisation generally is possible after a period of lawful habitual residence in Germany of eight years. However, in the event of a special public interest (on a case-by-case basis) a significant reduction in the eight-year period of residence generally required is possible (cf Number 8.1.3.5 StAR-VwV).

3. To what extent does the Federal Government share the view of the questioning parliamentary group that given the threat of the United Kingdom's departure from the European Union and the repercussions for British nationals living in Germany in terms of their status as Union citizens and right to reside in Germany that naturalisation should be possible even if they have been living in Germany for less than six years?

Naturalisation takes place if the naturalisation criteria applicable to all foreign nationals are met, which as a general rule also includes eight years of lawful and habitual residence in Germany. If there have been special integration measures, naturalisation can already be undertaken after six years. Spouses and life partners of Germans can already be naturalised after three years if the other criteria are met.

4. What steps has the Federal Government taken to promote generous naturalisation practices by the *Länder* in relation to British nationals?

The provisions to facilitate naturalisation applicable to all nationals of other EU Member States apply to British nationals. For this reason there is no need for the Federal Government to issue special instructions to the *Länder*.

5. How many British nationals entitled to freedom of movement are currently living in Germany to the knowledge of the Federal Government?

According to the Central Register of Foreigners, on the cut-off date of 31 May 2016 there were 107 074 British nationals living in Germany.

6. How many British nationals have been naturalised to the knowledge of the Federal Government since January 1<sup>st</sup>, 2000 (please list by year)?

According to the naturalisation statistics of the Federal Statistical Office, from 1 January 2000 to 31 December 2015 a total of 5 071 British nationals were naturalised. The table below provides a breakdown by year.

<b>Year</b>	<b>Naturalisations</b>
2000	293
2001	307
2002	253
2003	220
2004	261
2005	310
2006	264
2007	211
2008	232
2009	260
2010	256
2011	284
2012	325
2013	460
2014	515
2015	620
<b>Total</b>	<b>5071</b>

The figures for 2016 will not be available until the middle of 2017 at the earliest.