

Motion

tabled by the Members of the Bundestag Volker Beck, Özcan Mutlu, Manuel Sarrazin, Luise Amtsberg, Marieluise Beck (Bremen), Katja Keul, Renate Künast, Monika Lazar, Irene Mihalic, Dr. Konstantin von Notz, Omid Nouripour, Claudia Roth (Augsburg), Hans-Christian Ströbele and the Alliance 90/The Greens parliamentary group

Fast and uncomplicated naturalisation of British nationals

The Bundestag is requested to adopt the following motion:

I. The German Bundestag notes:

Naturalisation enables the creation of the greatest possible congruency between the population living in Germany and the proportion of the population entitled to vote, from which the democratic legitimacy of the state is derived. It is therefore in the public interest to simplify the process of naturalisation.

Under current legislation, British nationals – like all citizens of other EU member states – can be naturalised and retain their existing citizenship. The law currently does not necessarily require the applicants to have resided in Germany for a particular period of time in order for them to be naturalised.

II. The German Bundestag calls on the Federal Government to

1. encourage the *Länder* to naturalise British nationals living in Germany quickly and simply if they apply for it;
2. encourage the *Länder* to naturalise British nationals who have resided in the country for less than six years if the other requirements for naturalisation are met;
3. draw greater attention within the scope of its information policies to the fact that British nationals can be naturalised without relinquishing their British citizenship.

Berlin, [...]

Katrin Göring-Eckardt, Dr Anton Hofreiter and the Alliance 90/The Greens parliamentary group

Explanatory memorandum:

Following the referendum on the United Kingdom's exit from the European Union, Vice-Chancellor Gabriel has called for British nationals living in Germany to be enabled to acquire German nationality without having to relinquish their British citizenship (www.welt.de/politik/deutschland/article156756461/Gabriel-will-junge-Briten-in-Deutschland-einbuergern.html <18.8.2016>).

It is already possible for British citizens – as for citizens of all member states of the European Union – to be naturalised without relinquishing their British citizenship (Sections 12 (2), 10 (1) Sentence 1 Number 4 of the Citizenship Act – *Staatsangehörigkeitsgesetz*). Naturalisation does not generally require applicants to have resided in Germany for a particular period of time. The Federal Government confirms this in its reply to a Minor Interpellation by the Alliance 90/The Greens parliamentary group (printed paper 18/9308). Section 8 of the Citizenship Act provides that a public interest for the naturalisation of an applicant is a requirement that must be taken into account in the exercise of administrative discretion, additionally to the statutory minimum requirements. This public interest must be established 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 discretionary powers. Under Number 8.1.2.2 StAR-VwV, discretionary naturalisation is possible after a period of lawful habitual residence in Germany of eight years. However, in the event of a special public interest, a significant reduction in the eight-year period of residence generally required is possible on a case-by-case basis (see Number 8.1.3.5 StAR-VwV). Moreover, according to the preliminary remarks to the StAR-VwV, exceptions to the provisions of the Regulation may be justified in exceptional cases. The impending exit of the United Kingdom from the European Union should constitute such an exceptional case for British nationals living in Germany, as it raises unexpected questions regarding their residence status.

In addition to the calls made in this motion, the Alliance 90/The Greens parliamentary group believes that further legal simplifications of the naturalisation process are necessary. Among other aspects, naturalisation should not require any applicant to relinquish his or her former citizenship and the required period of prior residence should generally be reduced. Reference is made to the Draft Law on Facilitating Naturalisation and the Acceptance of Multiple Nationalities submitted by the Alliance 90/The Greens parliamentary group (printed paper 18/5631).