



7<sup>th</sup> JMTC Legal Assistance Information

## German-American Dual Citizenship

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

### I. The Basics about American Citizenship Law

1. A person can become an American citizen in one of two ways: by birth or by naturalization.
2. A person may be born a U.S. citizen by either *jus soli*, i.e., through place of birth, or *jus sanguinis*, i.e., through descent from parents.
3. With very few exceptions, most of which have to do with children born to foreign government officials on assignment to the U.S., a person born in any of the fifty states, Guam, Puerto Rico, and the U.S. Virgin Islands is an American citizen at birth under the principle of *jus soli*, regardless of the nationality of his/her parents. Please contact the Embassy or your nearest consulate for more information.
4. A person born outside the U.S. or its possessions or territories to an American parent may acquire citizenship at birth through *jus sanguinis*. For additional information about the transmission of U.S. citizenship by *jus sanguinis*, please visit <http://travel.state.gov> or contact the Embassy or your nearest consulate.
5. A non-American can become an American citizen at some time after his/her birth through the naturalization process, i.e., by applying for U.S. citizenship and satisfying certain legal requirements. Normally, he/she must have resided legally in the U.S. for a considerable period before becoming eligible for naturalization. Before being admitted to citizenship, the applicant must give up any foreign allegiance and promise to obey the Constitution and laws of the U.S. For more information about naturalization, please contact the Immigration and Naturalization Service, U.S. Consulate General Frankfurt, Gießener Str. 30 60435 Frankfurt am Main

Federal Republic of Germany Tel: (069) 7535-0, Fax: (069) 7535-2277 or visit the [INS homepage on Naturalization](#).

6. A child adopted by an American does not automatically become an American citizen. For more information about the naturalization of adopted children, please contact the Immigration and Naturalization Service at the address, telephone numbers, and/or web site in paragraph 5 above.

7. Americans have a right under U.S. law to renounce their U.S. citizenship in a consulate abroad. For more information on loss of U.S. citizenship, please contact the Embassy or your nearest consulate.

## **II. Basics about German Citizenship Law**

1. A person can become a German citizen in one of three ways: by birth, by adoption as a minor, or by naturalization.

2. A person may be born a German citizen by either *jus sanguinis*, i.e., through descent from his/her parents, or *jus soli*, i.e., through place of birth.

3. As a general rule, a child born to a German citizen parent automatically acquires German citizenship at birth through *jus sanguinis*, regardless of the place of birth. There are exceptions under present law, however, and have been many in the past. For more information about how German citizenship may be transmitted by a German parent, please contact your local Staatsangehörigkeitsbehörde (or Standesamt, in some parts of Germany).

4. As of January 1, 2000, a child born in Germany to non-German parents automatically acquires German citizenship at birth by *jus soli* if: (1) at least one parent had lived legally in Germany for at least eight years prior to the birth; (2) at the time of the birth, that parent had a permanent residence permit (either an Aufenthaltsberichtigung or, for the three years prior to the birth, an unbefristete Aufenthaltserlaubnis). Note that the following does not fall under SOFA agreement:

a. The child must choose between German nationality and the nationality of his/her parents before he/she turns 23 years of age, unless it is legally impossible for him/her to give up his/her parents' nationality, in which case he/she must apply to the German authorities for dual nationality before turning 21.

b. Special rules apply to children born between February 2, 1990, and December 31, 1999, who have until December 31, 2000, to apply for German citizenship.

c. Those born in Germany to non-German parents before February 2, 1990, have no claim to German citizenship under this law.

d. For more information, please contact your local Staatsangehörigkeitsbehörde or the nearest office of the Ausländerbeirat (Foreigners Advisory Council).

5. A person can become a German citizen at some time after his/her birth through the Einbürgerung (German naturalization) process, i.e., by applying for German citizenship and satisfying certain legal requirements. One requirement is the formal renunciation of all other nationalities, unless legally impossible under the laws of the applicant's home country. For more information about German naturalization process, please contact your local Staatsangehörigkeitsbehörde (or Standesamt in some parts of Germany) or the nearest Ausländerbeirat.

6. A child under age 18 adopted by a German citizen automatically becomes a German citizen as of the time of the adoption.

7. A German citizen has no right to renounce his/her German citizenship but generally is allowed to do so, so long as he/she does not become stateless as a result. While there are exceptions, as a general rule a German citizen may not give up citizenship to avoid an obligation of that citizenship, e.g., military service. For more information about loss of German citizenship, please contact your local Staatsangehörigkeitsbehörde (or Standesamt).

### **III. American-German Dual Nationality**

1. Both the United States and Germany recognize the concept of multiple nationalities. However this does not fall under SOFA.

2. A child born to an American parent and a German parent acquires both American and German citizenship at birth, regardless of place of birth, if the parents satisfy the *jus soli* or *jus sanguinis* requirements of their respective countries. See the sections above entitled, "Basics about American Citizenship Law" and "Basics about German Citizenship Law". Neither country requires a person born under these circumstances to choose between American and German citizenship, i.e., he/she may keep both citizenships his/her entire life.

3. A child born in Germany to two American parents may also become a dual national at birth under the circumstances described in paragraph 4 in the section above entitled, "Basics about German Citizenship Law". Under German law, he/she would have to choose between American and German citizenship before turning 23.

4. Under German law, a person may not have more than one citizenship unless he/she was born with both, as described in paragraphs 2 and 3 above. Thus, German law requires an American who becomes a German citizen through the Einbürgerung process (see paragraph 5 in the section entitled, "Basics about German Citizenship Law") to formally renounce his/her American citizenship, and a German who becomes an American citizen (see paragraph 5 in the section entitled, "Basics about American Citizenship Law") to give up his/her German citizenship. However, exemptions may be granted.

5. While Germany recognizes the concept of dual nationality, for most purposes it considers a dual national in Germany a German citizen only. Thus, the ability of the U.S. Embassy and consulates to provide assistance to an American-German dual national in Germany may be limited. The reverse is true in the U.S., where such a person is considered only American for

most purposes, and where the German Embassy or consulates may be able to offer only limited assistance. For more information, please contact the Embassy or your nearest consulate.

#### **IV. The Responsibilities of Citizenship**

1. Along with the rights and privileges of a citizenship come certain responsibilities. For example:

a. All American-German dual nationals must enter the United States with a valid U.S. passport; to enter with only a German passport or Kinderausweis is a violation of U.S. law.

b. Depending on the laws in effect, level of income, source of income, etc., and an American-German dual national may owe taxes in both countries. All dual nationals must report all worldwide income by filing an annual U.S. income tax return, regardless of whether they owe taxes to the U.S. or pay taxes elsewhere. For more information about taxes, please contact the Internal Revenue Service, U.S. Embassy, Clayallee 170, 14195 Berlin, 030 8305 1140 or Fax 030 8305 1145, or your local German tax office.

c. A male American-German dual national must register with the U.S. Selective Service System within three months of his eighteenth birthday; that he is also a German citizen does not exempt him from that requirement. Registering with the Selective Service System, however, has no effect on his German citizenship.

d. An American-German dual national is not exempt from German military service simply because he is also has U.S. citizenship. However, service in the German military, at least under these limited circumstances, has no effect on his U.S. citizenship.

2. For more information about these and other responsibilities of citizenship, please contact the Embassy, your nearest consulate, or your local Staatsangehörigkeitsbehörde (or Standesamt).