

# Mobility: Immigration alert

September 2023

## Germany

### New citizenship regulations

#### Executive summary

On 22 August 2023, the German federal government approved a draft law that will significantly change some base rules of the German citizenship law. The amendments will allow multiple citizenships for all individuals regardless of their citizenship and reduce the lead time to become a German citizen. The new law is expected to go into effect in the first half of 2024.

#### Key developments

The new regular lead time to become a German citizen will be five years of legal stay in Germany (down from eight years currently). Spouses and minor children who have stayed in Germany for less than five years can be naturalized together with the main applicant if the main applicant has legally stayed in Germany for at least five years (down from eight years currently).

On a discretionary basis, a shorter lead time of three years of legal stay in Germany will be applicable if the main applicant demonstrates that they meet all the following requirements:

- ▶ Outstanding/special integration (e.g., outstanding/special professional or schooling achievements or outstanding/special civic involvement)
- ▶ Sufficient means of subsistence for themselves and their family members (i.e., spouses and minor children)
- ▶ German language skills of at least C1 level

In addition, a long-applied administrative practice will be codified in the law. Longer stays outside Germany may, in general, still be counted as part of the overall time spent living in Germany.

However, in these situations, the minimum overall duration of stay in Germany will be deemed as not met if the time spent outside Germany is cumulatively more than 50% of the overall time.

The government is also planning to allow multiple citizenships for all individuals, and not only those who are currently covered under limited exemptions (e.g., citizens of Switzerland or EU and EEA member states, individuals who cannot abolish their current citizenship or cannot do so without extraordinary hardship). This means that individuals who apply for German citizenship can retain their current citizenships from a German citizenship law point of view. This clause will also apply in the other direction: German citizens who apply for any other citizenship will be allowed to retain their German citizenship (this is currently possible only if a German citizen applies for citizenship of Switzerland or EU/EEA member states). This eliminates the current need for an extra application to maintain German citizenship.

Obtaining German citizenship automatically by birth (for children of parents without German citizenship) will also require at least one parent to legally stay in Germany for five years (down from eight years currently). The parallel requirements that this parent needs to have a permanent German immigration status and that the birth of the child has to take place in Germany remain effective.

The new law will remove the obligation for children of parents without German citizenship, where the children became German citizens by birth, to choose between German citizenship and any other citizenship they may hold when they turn 18 (“Optionspflicht”). This requirement is currently in place and has been gradually relaxed over the last years.

Currently, obtaining German citizenship is, in general, not possible if an applicant has a criminal conviction. However, there is an exemption in place in case of minor convictions. Under the new law, minor convictions will also lead to rejection of German citizenship applications if the criminal conviction is in reference to racist, anti-Semitic or other “inhumane” acts.

### Impact on employers

With reduced lead times for naturalization, the obligation for employers to track German work authorization rights for employees who have obtained German citizenship will become obsolete. Retaining their original citizenship(s) will also allow employees to work for their employers in their current country/countries of citizenship without being subject to immigration requirements. Employers may consider supporting employees’ citizenship applications to simplify their immigration requirements.

### Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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EYG no. 008894-23Gbl

2101-3682263  
ED None

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