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German Citizenship by Descent and Restitution

Who Can Apply from Abroad?

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Who Should Read This Guide?

Individuals with German ancestry seeking to confirm or claim German citizenship, their families, and foreign law firms advising clients on German citizenship by descent and restitution following Nazi-era persecution.

Key situations covered

- ✓ Establishing an unbroken chain of German citizenship by descent
- ✓ Citizenship lost through historical gender-discriminatory rules and how to restore it
- ✓ Restitution of citizenship under Article 116(2) of the Basic Law for descendants of Nazi persecution victims
- ✓ Naturalization under Section 15 StAG where direct restoration does not apply
- ✓ Re-naturalization after loss of German citizenship abroad.

Introduction

For families with German ancestry scattered across the world - in the United States, Canada, Israel, Argentina, Australia, the United Kingdom, and beyond - the question of whether they hold or can claim German citizenship is one that arises with increasing frequency. Some discover a latent entitlement through an unbroken line of descent. Others find that their ancestor's citizenship was stripped away by the Nazi state or lost through discriminatory rules that Germany has since committed to reversing. In both cases, the legal framework provides a pathway - but it requires careful analysis of historical facts, often spanning multiple generations.

This article sets out the principal pathways to German citizenship for applicants from abroad: citizenship by descent through an unbroken family line, and restitution of citizenship that was lost or denied due to Nazi persecution or historical gender discrimination.

1. The Foundation: German Citizenship by Descent

German citizenship is transmitted by descent - it passes automatically from parent to child at birth, provided the transmitting parent was a German citizen at the relevant time. This is the bedrock principle of German nationality law, set out in Section 4 of the German Citizenship Act (Staatsangehörigkeitsgesetz - StAG).

Where an unbroken chain of citizenship transmission can be documented from a German ancestor to the applicant, the applicant is already a German citizen. The application process is declaratory - it confirms an existing right, not a new grant. The Federal Office of Administration (Bundesverwaltungsamt - BVA) issues a citizenship certificate (Staatsangehörigkeitsausweis) on the basis of a successful application.

The analysis turns on two questions: whether the German ancestor retained German citizenship at the relevant time, and whether citizenship was validly transmitted through each subsequent generation under the rules in force at the time of each birth.

2. Historical Gender Discrimination – The Key Complication

The rules governing transmission have not always been gender-neutral, and the historical disparities are the source of the most common complications in descent-based applications from abroad.

Before January 1, 1975: Citizenship was generally transmitted through the paternal line only if the parents were married at the time of the birth. A child born in wedlock to a German mother and a non-German father did not automatically acquire German citizenship.

Between January 1, 1975, and the present: Citizenship passes from either parent, provided the parents were married. Since 1993, children born out of wedlock to German fathers could acquire citizenship, subject to paternity being formally established under German law before they turn 23 years old.

The consequence of these rules is that many families with German maternal ancestry lost their citizenship connection at some point in the chain - often in the mid-twentieth century - simply because the relevant birth was to a German mother rather than a German father. This pattern is particularly common among families with roots in the post-war Allied occupation zones: German women in Bavaria, Rhineland-Palatinate, Hesse, and Baden-Württemberg frequently married US servicemen stationed there, while those in North Rhine-Westphalia and Lower Saxony more commonly married British servicemen. Their children, born to a German mother and a foreign father in wedlock before 1975, did not automatically acquire German citizenship under the rules then in force - and many of those families are only now discovering that a restoration pathway exists.

Germany has recognized the injustice of these rules and created legislative pathways for restoration. The Fourth Act Amending the Nationality Act (2021) introduced a right of declaration for those excluded from automatic acquisition of citizenship by historically gender-discriminatory rules, including their descendants. Where a person would have acquired citizenship but for such discrimination, they can now assert that right through a formal declaration to the competent authority.

Time Period	Rule	Effect
Before January 1, 1975	Citizenship transmitted through the paternal line only, if parents were married at the time of birth	A child born in wedlock to a German mother and non-German father did not automatically acquire German citizenship
After January 1, 1975 — present	Citizenship passes from either parent, provided the parents were married	Children of German mothers gained equal transmission rights going forward
Since 1993	Children born out of wedlock to German fathers can acquire citizenship, if paternity is formally established under German law before the child turns 23	Closed the remaining gap for non-marital children of German fathers

3. Nazi-Era Persecution – Article 116(2) of the Basic Law

Article 116(2) of the German Basic Law (Grundgesetz) provides that former German citizens who were deprived of their citizenship between January 30, 1933, and May 8, 1945, on political, racial, or religious grounds - and their descendants - are entitled to have their citizenship restored on application.

This provision primarily addresses the mass deprivation of citizenship that the Nazi state imposed on Jewish Germans and other persecuted groups. The most significant instruments of deprivation were the Eleventh Decree under the Reich Citizenship Law of November 1941, which automatically stripped citizenship from German Jews living abroad, and the Denaturalization Act of 1933, which revoked naturalizations from the Weimar era. Families whose citizenship was taken away by these or similar measures are covered by Article 116(2).

A crucial feature of Article 116(2) is that successful applicants are deemed never to have lost their citizenship. This retroactive restoration means that citizenship was transmitted to descendants as if it had never been interrupted, creating a chain of descent that passes through the point of deprivation to the present generation. There is no statute of limitations on applications under Article 116(2).

IMPORTANT NOTE

The retroactive effect of Article 116(2) is significant for multi-generational families. Because the ancestor is deemed never to have lost citizenship, the transmission chain to children, grandchildren, and further descendants is treated as unbroken - even where the deprivation occurred decades ago.

Who is covered: Applications are available to descendants of persons whose citizenship was revoked by the Nazi period due to persecution. The connection to persecution need not be the sole reason for leaving Germany - it is sufficient that persecution was a material cause. The provision has been interpreted broadly by German courts and authorities, and the Federal Constitutional Court has progressively extended its scope over time.

Expanded scope following 2020 court decisions: A Federal Constitutional Court decision in 2020 expanded the class of persons deemed to have been affected by Nazi-era deprivation to include children born in wedlock before April 1, 1953, to German mothers whose citizenship was revoked, and children born out of wedlock before July 1, 1993, to German fathers whose citizenship was revoked. This expansion addressed cases where the child would not have acquired citizenship in any event under the then-applicable rules, but who should be treated as having been affected by the persecution of their parent.

4. Section 15 StAG – Restitution through Naturalization

Section 15 of the German Citizenship Act provides a further restitution pathway for persons and their descendants who, between January 30, 1933, and May 8, 1945, were affected by persecution in connection with the grounds listed in Article 116(2) - but whose situation falls outside the direct restoration provision.

Section 15 covers those who:

- Gave up or lost their German citizenship before February 26, 1955, in connection with persecution,
- Were excluded from lawfully acquiring German citizenship through marriage, legitimization, or collective naturalization,
- Were denied naturalization that would otherwise have been available, or were generally excluded from naturalization processes,
- Gave up or lost their ordinary residence in Germany in connection with persecution, if that residence had been established before January 30, 1933.

Descendants of such persons are also entitled to naturalization under Section 15. Unlike Article 116(2), which restores citizenship with retroactive effect, Section 15 operates as a right to naturalization - the citizenship is granted upon application rather than deemed never to have been lost. This distinction matters for descendants: under Article 116(2), the citizenship of a grandparent or earlier ancestor is restored retroactively, potentially creating a chain of automatic transmission; under Section 15, the applicant themselves acquires citizenship through the naturalization process.

Applicants under Section 15 do not need to demonstrate financial self-sufficiency, language proficiency, or knowledge of German law and society - requirements that apply to standard naturalization but are specifically disappplied for restitution cases. They are also not required to renounce their existing citizenship.

	Article 116(2) Basic Law	Section 15 StAG
Nature of relief	Restoration of citizenship	Right to naturalization
Legal effect	Retroactive — deemed never to have lost citizenship	Prospective — citizenship granted upon application
Effect on descendants	Creates an unbroken chain of automatic transmission through the point of deprivation	Descendants are separately entitled to naturalization, but don't inherit an automatic transmission chain
Who qualifies	Former German citizens deprived of citizenship 1933–1945 on political, racial, or religious grounds (and their descendants)	Persons (and descendants) affected by persecution-related loss/denial of citizenship or residence, where 116(2) doesn't apply directly

5. Historical Gender Discrimination and Restitution Cases

The intersection of Nazi-era persecution and historical gender discrimination creates some of the most complex cases in German citizenship law. Many German-Jewish women who fled Nazi persecution married abroad - often to citizens of their country of refuge. Under the law as it then stood, marriage to a foreign national automatically resulted in the loss of German citizenship for women. Their children, born to a German mother and a foreign father in wedlock before April 1, 1953, would not have acquired German citizenship under the patrilineal rules then in force.

For these families - particularly common among German-Jewish emigrants to the United States, Israel, the United Kingdom, and Latin America - both the gender discrimination rules and the persecution-related deprivation of citizenship operated simultaneously to exclude descendants from German nationality.

The combined effect of the 2020 Federal Constitutional Court decision, the 2021 legislative amendments, and the broad interpretation given to Article 116(2) and Section 15 by the BVA and German courts means that many such families now have a viable pathway to German citizenship. The analysis of which specific provision applies and in what order requires legal advice tailored to the individual family's history.

6. Documentary Requirements and the Application Process

All pathways to German citizenship from abroad involve a documentation-intensive process. The core requirement in every case is to establish - through original documents or certified equivalents - the facts on which the entitlement rests.

Typical documents required include:

- Birth certificates for the applicant and all relevant ancestors in the chain
- Marriage certificates, where relevant to the transmission analysis
- Death certificates for deceased ancestors
- Documents establishing German citizenship of the relevant ancestor - including old German passports, naturalization records, and pre-war identity documents
- Where persecution is the basis: documents demonstrating the ancestor's German Jewish identity, their departure from Germany, or direct evidence of deprivation of citizenship, such as official notifications under the relevant Nazi decrees
- Where gender discrimination is the basis: documents establishing the birth circumstances and the citizenship status of the relevant parent

Many families applying under Article 116(2) or Section 15 find that key documents were destroyed during the war, held in archives that are difficult to access, or never formally recorded. German authorities and German courts have developed guidance on acceptable substitute evidence in such cases. The BVA can consider sworn declarations, correspondence, community records, and other materials where original civil registration documents are unavailable.

IMPORTANT NOTE

The absence of documents does not necessarily mean a missing entitlement. Where original records are unavailable, substitute evidence - including sworn declarations, community records, and archival extracts - may be accepted. Legal advice on what will satisfy the BVA in a specific case is essential before concluding that an application cannot proceed.

Applications are submitted to the Federal Office of Administration (BVA) in Cologne for most descent and restitution cases. Applicants who are resident abroad may also work through the relevant German embassy or consulate as an initial point of contact. Processing times vary and can extend to a year or more in complex historical cases.

7. Common Mistakes and Practical Guidance

- 01 Assuming the entitlement does not exist because an ancestor was not born in Germany.**

Many families assume that because their German ancestor emigrated before the applicant's parent or grandparent was born, the connection to citizenship was severed. This is not necessarily correct. Citizenship is transmitted to children regardless of where they are born, provided the transmitting parent was a German citizen. The analysis must follow the citizenship status of the relevant ancestor at the time of each birth in the chain.
- 02 Overlooking the maternal line.**

For families with German ancestry through a female line before 1975, the immediate conclusion is often that citizenship was not transmitted. This may be correct under the unamended rules, but the 2021 restoration legislation and the 2020 constitutional court expansion of Article 116(2) have opened pathways that did not previously exist. A legal assessment of the current position is essential before concluding that no entitlement exists.
- 03 Failing to distinguish between descent and restitution pathways.**

The two routes have different legal effects, different procedural requirements, and different consequences for descendants. Applying under the wrong provision, or failing to identify that multiple provisions may be relevant, can result in delays or missed entitlements.
- 04 Underestimating the documentary challenge.**

Applications require original or certified documents, often spanning multiple generations and multiple countries. Documents from Central and Eastern Europe, Latin America, and the Middle East may require apostilles, certified translations, and archival research. Starting the document-gathering process early - ideally with legal guidance on exactly what is required for the specific application - avoids the most common source of delay.
- 05 Proceeding without legal advice in complex historical cases.**

Straightforward post-1975 descent applications may be manageable without specialist legal support. Applications involving Nazi-era persecution, historical gender discrimination, or documentary gaps require a thorough legal analysis of which provision applies, what evidence is needed, and how to present the case to the BVA. Errors at the application stage can result in rejection and necessitate administrative appeals or court proceedings.

8. Key Takeaways

- ✓ German citizenship passes automatically by descent from parent to child at birth, where the transmitting parent was a German citizen. An unbroken chain of transmission creates a current entitlement that must be confirmed through a declaratory application.

- ✓ Historical gender-discriminatory rules excluded many children of German mothers from automatic citizenship acquisition before 1975. The 2021 legislative reforms created a right of declaration for those affected, including their descendants.

- ✓ Article 116(2) of the Basic Law entitles former German citizens deprived of citizenship between 1933 and 1945 on political, racial, or religious grounds - and their descendants - to have citizenship restored. Restoration is retroactive: the citizenship is deemed never to have been lost.

- ✓ Section 15 StAG provides a right to naturalization for persons and their descendants affected by persecution-related loss or denial of German citizenship, where Article 116(2) does not apply directly. Standard naturalization requirements - language proficiency, financial self-sufficiency, and citizenship renunciation - do not apply to Section 15 cases.

- ✓ Documentary evidence is required for all applications - typically birth certificates, marriage certificates, and evidence of the ancestor's German citizenship, spanning every generation in the relevant chain. Where documents are unavailable, substitute evidence may be accepted.

- ✓ Applications are submitted to the Federal Office of Administration (BVA) in Cologne. Processing times in complex historical cases can extend to a year or more.

- ✓ Legal advice is essential for any application involving Nazi-era persecution, historical gender discrimination, multi-generational chains, or documentary gaps. The interaction between different provisions is legally complex, and errors at the application stage are difficult to correct.

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