



Volume 4. Forging an Empire: Bismarckian Germany, 1866-1890  
Law on Nationality and Citizenship (June 1, 1870)

This law enacted by the North German Reichstag regulated the process by which inhabitants could gain or lose their citizenship. It was based on the principle of *ius sanguinis*: one acquired the citizenship of one's parents. This law was adopted as an Imperial (i.e. Reich) Law in 1871 and remained in effect until it was revised in 1913.

Please note: in the text reproduced below, clauses relating directly to states not yet belonging to the German Empire and ones superseded by the Reich legislation of April 22, 1871, have been deleted. The same is true of changes introduced by the German Civil Code [*Bürgerliches Gesetzbuch*] of 1900.

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### **Law on the Acquisition and Loss of Confederate and State Citizenship (June 1, 1870)<sup>1</sup>**

§ 1. Citizenship in the Confederation is acquired through citizenship in a federal state and expires with the loss of the latter.

[ . . . ]

§ 2. In the future, citizenship in a federal state will be established only on the basis of the following:

- 1) descent (§ 3),
- 2) legitimation (§ 4),
- 3) marriage (§ 5),
- 4) admission, for a North German and (§§ 6 ff.).
- 5) naturalization, for a foreigner (§§ 6 ff.).

Adoption alone does not have this effect.

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<sup>1</sup> Wherever the term "North German" appears in the law of 1870, the term "German" appears in the law after 1871. (All footnotes adapted from Ernst Rudolf Huber, ed., *Dokumente zur Deutschen Verfassungsgeschichte* [Documents on German Constitutional History], 3rd rev. ed., vol. 2, 1851-1900. Stuttgart: Kohlhammer, 1986, p. 313-17.)

§ 3. Through birth, even when it occurs abroad, legitimate children of a North German man acquire the citizenship of the father, illegitimate children of a North German woman acquire the citizenship of the mother.

§ 4. If the father of an illegitimate child is a North German and the mother does not have the same citizenship as the father, the child acquires, through legitimation effected in accordance with legal regulations, the citizenship of the father.

§ 5. Marriage to a North German confers the citizenship of the husband upon the wife.

§ 6. Admission, as well as naturalization (§ 2 No. 4 and 5), takes effect through the issuance of a certificate by a senior administrative authority.

§ 7. The certificate of admission is issued to any citizen of another federal state who applies for it, and who furnishes proof of having settled in the federal state to which admission is sought, provided that there are no grounds justifying the rejection of the newcomer or the denial of continued residence in accordance with §§ 2 to 5 of the Law on Freedom of Movement of November 1, 1867.

§ 8. The certificate of naturalization may be issued to foreigners only if they

- 1) are legally competent according to the laws of their previous home country, unless their lack of legal competency is supplemented by the consent of the father, guardian, or custodian of the person seeking admittance;
- 2) have a clean record;
- 3) are able to secure a dwelling of their own or accommodation in the place where they wish to settle;
- 4) are capable of making a living for themselves and their dependents in this place according to the local standards.

Prior to the issuance of the certificate of naturalization, the senior administrative authority is obliged to hear the arguments of the community or, respectively, the poor relief association of the town in which the person to be admitted wishes to settle with respect to the requirements under Nos. 2, 3, and 4.

[ . . . ]

§ 9. If a foreigner or a citizen of another federal state is admitted into direct or indirect public service or into the church, school, or municipal service, and if this appointment is effected or confirmed by the government or by a central or senior administrative authority, then this acts as a substitute for the certificate of naturalization, provided that the appointment does not express a conflicting proviso.

If the appointment of a foreigner to the federal service has taken place, then the appointee acquires the citizenship of the federal state in which he has his official residence.<sup>2</sup>

§ 10. From the time of its issuance, the certificate of naturalization or, respectively, the certificate of admittance, confers all of the rights and obligations associated with citizenship.

§ 11. Provided no exception is made, the conferment of citizenship also extends simultaneously to the wife and to any underage children still under paternal authority.

§ 12. Residence in a federal state alone does not establish citizenship.

§ 13. In the future, citizenship expires only:

- 1) through release upon request (§§ 14 ff.);
- 2) through a pronouncement by the authorities (§§ 20 and 22);
- 3) through residence abroad for ten or more years (§ 21);
- 4) in the case of illegitimate children, through legitimation effected in accordance with legal regulations, if the father is a citizen of a different country than the mother;
- 5) in the case of a North German woman, through marriage to a citizen of another federal state or to a foreigner.

§ 14. Release [of citizenship] is granted through a certificate of release issued by the senior administrative authority of the home state.

§ 15. Release is granted to any citizen who furnishes proof of having acquired citizenship in another federal state.

In the absence of this proof, release must not be granted to:

- 1) persons 17-25 years of age who are liable for military service, and who have not yet submitted a certificate issued by the district recruiting commission testifying to the fact that they are not applying for release with the sole intention of evading their compulsory service in the standing army or in the navy;
- 2) military personnel serving in the standing army or the navy, officers on leave, and civil servants prior to their discharge from office;
- 3) non-commissioned persons serving in the reserves of the standing army and the militia, or in the navy reserves and the naval militia, who have been called for active service.

[ . . . ]

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<sup>2</sup> On this point, see the Reich Law of December 20, 1875 (*RGBl.*, 324): “Foreigners who are employed in Reich service, receive a salary paid from Reich funds, and have their official domicile abroad, must not be denied the certificate of naturalization by the state in which they apply for the conferment of citizenship.”

§ 17. Release must not be denied in peacetime for reasons other than those specified in §§ 15 and 16. In times of war, or when the danger of war is present, the Federal Executive reserves the right to issue special orders.

§ 18. With the issuance of the certificate of release, the loss of citizenship is effected.

The release becomes ineffective if the person released does not relocate his residence outside of federal territory within six months of the day of the issuance of the certificate of release, or if he acquires citizenship in another federal state.

§ 19. Provided no exception is made, the release also extends simultaneously to the wife and to any underage children still under paternal authority.

§ 20. North Germans who are residing abroad may be declared to have forfeited their citizenship by resolution of the central authority of their home state if, in the case of war, or when the danger of war is present, they fail to comply with an express demand issued by the Federal Executive to return within a certain specified period.

§ 21. North Germans who leave the federal territory and reside abroad for ten years without interruption will thus lose their citizenship. The aforementioned period begins either at the moment of departure from federal territory, or, if the person leaving possesses a travel document or a residence permit, at the point at which these papers expire. The period is interrupted when an entry is added to the register of a federal consulate. The course of the period resumes the day after the entry is deleted from the register.

Loss of citizenship thereby effected also extends simultaneously to the wife and to any underage children still under paternal authority, provided that they are staying with the husband or, respectively, the father.

For North Germans who have been residing in a foreign country for at least five years without interruption and who have also obtained citizenship in that country, the ten-year time limit may be reduced to five years by international treaty, regardless of whether the protagonists possess a travel document or a residence permit.<sup>3</sup>

North Germans who have forfeited their citizenship because of a ten-year stay abroad and who have not obtained different citizenship may have the citizenship of their previous home state conferred upon them once again, even without settling there.

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<sup>3</sup> On this point, see the treaty between the North German Confederation and the United States regarding the citizenship of persons emigrating from the territory of the one party into that of the other, dated February 22, 1868 (*BGBI. [Federal Law Gazette]*, p. 228). Corresponding treaties were concluded by: Bavaria on May 26, 1868, Württemberg on July 27, 1868, Baden on July 19, 1868, as well as Hesse (for its territory south of the Main River) on August 1, 1868.

North Germans who have forfeited their citizenship because of a ten-year stay abroad and who will return to the territory of the North German Confederation shortly will acquire citizenship in the federal state in which they settle by means of a certificate of admittance that must be issued to them upon request.

§ 22. If a North German enters into the services of a foreign government without the consent of his own government, then the central authority of his home state may declare that person to have forfeited his citizenship by resolution if he does not comply with the express demand to resign from service within the specified period.

§ 23. If a North German serves a foreign power with the consent of his government, his citizenship remains extant.

§ 24. The issuance of certificates of admittance and, in the cases specified in § 15 para. 1, of certificates of release is free of charge.

For the issuance of certificates of release in cases other than those specified in § 15 para. 1, the combined amount of stamp duties and administrative fees charged must not exceed one thaler.

§ 25. For persons who are living abroad at the time this law is passed and who are also citizens of those federal states whose laws provide for the revocation of citizenship after a ten-year stay abroad, the course of this period is not interrupted by this law.

With respect to citizens of the remaining federal states, the course of the period specified in § 21 starts on the day this law takes effect.

§ 26. All regulations conflicting with this law are revoked.

§ 27. This law takes effect on January 1, 1871.<sup>4</sup>

Source: *Bundesgesetzblatt des Norddeutschen Bundes* [*Federal Law Gazette of the North German Confederation*], 1870, pp. 355ff.

Original German text reprinted in Ernst Rudolf Huber, ed., *Dokumente zur Deutschen Verfassungsgeschichte* [*Documents on German Constitutional History*], 3rd rev. ed., vol. 2, 1851-1900. Stuttgart: Kohlhammer, 1986, pp. 313-17.

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<sup>4</sup> By the federal law dated July 21, 1870 (*BGBI.*, 498), §§ 17 and 20 already entered into force on July 22, 1870, because the Franco-German War had broken out on July 19, 1870.