

A second passport for Americans

Why AmCham Germany wants dual nationality for US citizens

Holding joint German and American nationality is an exception. German law generally prevents people from holding dual citizenship. But AmCham Germany is trying to change that.

By Katja Ridderbusch

Rick Jones (not his real name) was born in Germany, the son of American parents. He grew up in the United States, was stationed in Germany while in the military and later returned to Germany for business. Today, he is the general manager of the European operations of a large American electronic supply company. He has lived in Lower Saxony for the past eight years and speaks German with a thick Texan accent. His wife is German and he proudly claims that his two daughters are perfectly bilingual and bicultural.

Jones has two passports, one German and one American. That makes him an exception because German law generally prevents people from holding dual citizenship.

AmCham Germany, the largest American Chamber of Commerce in Europe with 3,000 members, recently launched an initiative to facilitate dual citizenship for Americans living in Germany. In a Jan. 7 letter addressed to the Federal Ministry of Interior in Berlin, AmCham's president Fred B. Irwin suggested that the German government should "consider preferential treatment for American applicants according to the principal of reciprocity" and accept dual citizenship for them. The Ministry of Interior is currently reviewing the matter. The United States allows foreign nationals wanting to become Americans to keep their prior citizenship, while German law requires foreigners to give up their other passports once they become naturalized.

AmCham Germany has noted an increased interest among their American members regarding the issue of dual citizenship. Americans who have lived in Germany for as many as 10 years or more want "to become Germans without having to give up their American citizenship," said Sebastian Meis, a commercial attorney with the German-American law firm Bridgehouse Law in Atlanta, which is a long-time member of AmCham Germany.

German citizenship law was reformed in 2000 and now has a number of exceptions regarding the relinquishing of previous citizenship. Foreigners wanting to become Germans may keep their prior citizenship if their country of birth doesn't release them from their citizenship, as is the case with Iran. Applicants may also keep their citizenship if giving it up would cause them "severe disadvantages in economic and proprietary terms." Further exceptions apply to elderly and refugees. European Union citizens who become naturalized Germans are also allowed to keep their former passports.

An additional clause in German citizenship law suggests that dual citizenship may be accepted if there is "an overwhelming public interest" in the naturalization of a foreigner. In the past, this

rule has been applied to a number of foreign athletes who were then able to compete under the German flag in high profile competitions.

However, such overwhelming public interest does not seem to exist in the case of American business representatives in Germany. “We’ve only seen very, very few cases in which dual citizenship has been granted to Americans,” said Meis. One of them is Rick Jones.

Yet, the American business community in Germany sees a number of good reasons to grant dual citizenship. Cross-border business, for example, could be handled more flexibly, and mobility among American executives could rise. Having a German passport would allow US citizens who are working for multinational corporations such as banks, to be transferred to divisions all across Europe. “They would not have to go through the entire application process again, once they return to Germany,” said Meis. The European Union’s “Blue Card,” adopted in 2009, aims to facilitate residency within the EU member states for highly qualified third-country citizens. However, it does not grant full flexibility in the labor market.

At the same time, Americans working for American corporations in Germany with high security clearance – like IT companies or defense contractors – may run into trouble if they give up their US citizenship, and they may ultimately lose their jobs. According to Jones, it also enhances professional credibility when an American executive working in a foreign country also holds that country’s passport. “It sends a strong message that you are making a commitment – to the country, the company and the employees.”

So, how has Jones managed to become a German and remain an American citizen when only a few get that status? “It certainly helps to get the political support from local and state authorities,” he said. Also, his choice of residence played in his favor.

In Germany, it is up to the federal states to decide on applications for citizenship, and legal practice has shown that some of the economically stronger states like Bavaria, Baden-Württemberg and Hessen tend to be rather restrictive in granting exceptions, while states like North Rhine- Westphalia and Lower Saxony – the state in which Jones resides – seem to be more open.

Meis is only cautiously optimistic that chances for Americans in Germany to obtain dual citizenship will increase over the next years. Still, he said, “the fact that AmCham is lobbying for it now is a big step forward.”

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