

Dual Citizenship – German Canadian

By Burghild Berger, Manager European Practice Group at Dale & Lessmann LLP, Toronto, Ontario Canada
and Kate Russell, Manager Immigration Practice Group at Dale & Lessmann LLP, Toronto, Ontario Canada

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Introduction

The German law on citizenship mandates that German citizens who voluntarily apply for and accept Canadian citizenship will automatically lose their German citizenship if they have not been granted a permission to retain the German citizenship prior to becoming Canadian. This so called “*Beibehaltungsgenehmigung*” is granted by the competent authority in Germany on an individual basis. The application for the *Beibehaltungsgenehmigung* and the Canadian citizenship can be filed concurrently. Should the application for the *Beibehaltungsgenehmigung* be unsuccessful the application for Canadian citizenship can always be withdrawn.

Below is an outline of the important criteria and steps that applicants have to meet and fulfill in order to maintain their German citizenship while applying for Canadian citizenship.

1. Retention of German Citizenship – Important Criteria

The factors that the German authorities will consider with respect to an applicant’s request to hold dual citizenship are based on many different considerations such as:

- a. Whether the applicant’s maintenance of his German citizenship is in the interest of the Republic of Germany;
- b. The applicant’s family ties and professional ties to Germany;
- c. The foreign country (in this case Canada) does not object to the request for dual citizenship; and
- d. The applicant fulfills the conditions with respect to foreigners applying for Canadian citizenship.

The reviewing officer may examine the factors referenced-above in terms of the applicant’s individual circumstances and apply his or her determination against whether the applicant’s situation is unique and also whether the granting of dual authorization will benefit and encourage future applicants to visit, reside in, work and travel between both countries on a consistent basis. In addition to the criteria listed-above, the officer may take into consideration compelling factors such as, family matters, properties owned, succession issues in Germany, business reasons that warrant the maintenance of German citizenship including the ownership or management of a German business.

2. Required Documents/Other Prerequisites

To apply for a “*Beibehaltungsurkunde*” the applicant has to submit a written application arguing that he meets the criteria mentioned above. Since the authorities set a high standard when reviewing applications it is advisable to entrust an experienced lawyer with preparing this application. Which documents the applicant needs to submit together with his written application may depend on his or her personal status. Our firm will gladly assist you in drafting your customized application.

It is also important to note that the applicant (and his accompanying family members – if any) must have an undisputed character. Determining factors establishing the character of the applicant are for example that the applicant has not been sentenced to a term of imprisonment in any country in which he or she has resided and the applicant’s positive attitude regarding Germany.

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3. Proceeding – Timeline and Steps

Step 1: Application for Retention of German Citizenship	
Steps	Timing
<p>Collecting important information and documents from the client, such as</p> <ul style="list-style-type: none"> • Client's status in Canada • Professional and personal ties to Germany • Existence of bank accounts, insurance policies or property in Germany • Documents such as birth certificate, citizenship certificate, marriage certificate etc. 	<p>Since this step depends on the cooperation of the client and on how fast the client can provide the necessary information and documents it is difficult to estimate how long this step might take.</p>
<p>Drafting of application and providing to client for review</p>	<p>Once we have all information and documents required we can prepare your customized application within 5 business days.</p>
<p>Filing of finalized application with an office of the Consulate General of Germany in Canada. The Consulate will review the documents, provide a statement and will then forward the application to the <i>Bundesverwaltungsbehörde</i> in Germany.</p>	<p>The Consulate General of Germany usually reviews and forward applications within 2 months.</p>
<p>The <i>Bundesverwaltungsbehörde</i> will consider the application and the statement of the Consulate, decide whether the retention of the German citizenship is to be granted and will then send the <i>Beibehaltungsurkunde</i> to the Consulate in Toronto.</p>	<p>The <i>Bundesverwaltungsbehörde</i> usually processes applications within 6 to 9 months.</p>
<p>Collecting of <i>Beibehaltungsurkunde</i> at the Consulate in Toronto. The <i>Beibehaltungsurkunde</i> will be valid for a period of 2 years.</p>	<p>Once you have actually obtained this document you can finalize your application for Canadian Citizenship (see below). Due to a backlog the processing times for obtaining the Canadian Citizenship can last up to 3 years. Thus, if necessary the validity of your <i>Beibehaltungsurkunde</i> can be extended.</p>

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Step 2: Application for Canadian Citizenship	
Steps	Timing
Collecting information to determine whether the client may be eligible for Canadian citizenship. The Canadian government has proposed significant changes to Canadian citizenship eligibility requirements. A comparison of current and proposed requirements is available on our immigration blog.	Since these steps depends on the cooperation of the client and on how fast the client can provide the necessary information and documents it is difficult to estimate how long this step might take.
Collecting important information and documents from the client, such as <ul style="list-style-type: none"> • Calculation of time spent inside of Canada as a temporary resident and permanent resident • Canadian permanent resident status documents • Proof of language proficiency • Documents such as passport and personal identification and photographs 	
Drafting of application and providing to client for review	Once we have all information and documents required we can prepare your customized application within 5 business days.
Filing of finalized application with the relevant Canadian immigration authorities, who will process the application. Applicants will be issued a notice acknowledging receipt of the application by Citizenship and Immigration Canada.	Citizenship and Immigration Canada is currently processing routine applications in approximately two years, and non-routine applications in approximately three years.
Applicants will receive a second notification from Citizenship and Immigration Canada to invite them to an interview. The notice will include a list of documents that must be presented at the interview, such as a Permanent Residence card.	The Canadian government has proposed amendments to the Citizenship Act that it expects will shorten these processing times.
Applicants between the ages of 18-54 will be invited to complete the citizenship test to demonstrate knowledge of Canadian rights, values, culture, history, and geography.	However, because of the lengthy processing times, Germany nationals may be required to renew their <i>Bundesverwaltungsbehörde</i> while their Canadian citizenship application is in processing.
Some applicants may be required to attend an interview with a citizenship judge after they have completed their citizenship test.	
Once a citizenship application has been approved, the applicant will be invited to a citizenship ceremony, where they will swear the citizenship oath and be granted Canadian citizenship.	

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