

Austrian Citizenship for Descendants of Victims of National Socialism

On September 1, 2020 § 58c para. 1a of the Austrian Citizenship Act (Staatsbürgerschaftsgesetz/ StbG) entered into force. It completes the previous art 58c §1 StbG and, in an effort to achieve reconciliation with the victims of National Socialism, now also enables the descendants of persons who were subjected to the persecution of the Nazi regime, to acquire Austrian citizenship. Following, we would like to give you an overview of the most important points.

Descendants

Paragraph 1a applies to the descendants of persons who emigrated before May 15, 1955 as citizens or nationals of one of the successor states of the Austro-Hungarian Empire or stateless persons, because they feared or suffered persecution by the Nazi regime or were committed to the democratic Republic of Austria and were therefore exposed to persecution or had to fear such persecution.

For the purposes of this law, adopted children who were adopted as minors are also considered descendants. (§ 58c para. 1b StbG)

Procedure for Acquiring Citizenship

If the above-mentioned conditions are met, we will gladly provide you legal support during the application process. There is a possibility to submit an application via following authorities:

- If you live abroad, a competent representative authority (embassy or consulate general) should be contacted
- In case of residence in Austria, contact the relevant office of the state government

The notification form must be fully completed, signed by the applicant, and submitted to the competent authority, the required documents concerning the applicant (i.e. the descendant's) and documents concerning the descentance of a persecuted person shall be enclosed.

Required Documents of the Applicant

- Current photo
- Birth certificate
- Marriage certificates and certificates for dissolution of marriage (if applicable)
- Name change certificate (if applicable)
- All documents that serve as complete proof of the relationship to the persecuted ancestor, e.g.: birth certificates, marriage certificates, proof of recognition of paternity, adoption certificates
- Proof of current citizenship (please note: some states foresee the automatic loss of the previous citizenship if another one is accepted; in the context of this law, Austrian law does not require the previous citizenship to be given up).
- Valid passport
- Current excerpt from the criminal register

Required Documents of the Pursued Ancestor

- Birth certificate
- Name change certificate (if applicable)
- Proof of previous possession of Austrian citizenship or that of one of the successor states of the Austro-Hungarian Empire
- Documents concerning the persecution suffered or that such persecution was to be feared (e.g. victim's identity card from the Republic of Austria)
- Documents about the main residence in Austria, and the date of emigration
- Declaration of impunity signed by the persecuted person if he/she is still alive
- Death certificate if the person has already passed away

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Many of these documents must be either diplomatically authenticated or apostilled and, if not originally written in German or English, translated by a court-certified translator.

However, this is only a general, exemplary list, which may be departed from in individual cases. In addition, § 58c para. 5 StbG stipulates that the authority may call upon the National Fund of the Republic of Austria as an expert to assess the validity of these documents.

Since in many families the required documents can only be found with substantial difficulties or the family history and life circumstances can no longer be retraced, the Austrian Ministry for European and

International Affairs offers its help in order to collect the above mentioned evidences/documents.

Additional Requirements

In addition to the above-mentioned requirements, those of § 10 para. 1 N 2-6, N 8, and para. 2 N1 and N3-7 StbG must also be fulfilled. They concern the extensive, previous exemption from punishment and the positive and affirmative attitude towards the Republic of Austria on the part of the reporting party and the absence of reasons that could impair Austria's diplomatic relations with the reporting party's country of origin.

Please do not hesitate to contact us any time if you have any questions on this topic.