

GUIDE CONCERNING THE ACQUISITION OF TURKISH CITIZENSHIP

The principles and provisions regarding the acquisition of Turkish Citizenship have been regulated under Turkish Citizenship Law (“TCL”) numbered 5901. Turkish citizenship can be obtained either by birth or after birth.

I. Acquiring Citizenship by Birth

The main principle concerning the acquisition of Turkish citizenship is *ius sanguinis* (by descent). The 7th Article of TCL states that a child of either a Turkish citizen father or Turkish citizen mother in wedlock within or outside of Turkey shall be regarded as a Turkish citizen. In this regard, all of the following scenarios are eligible to obtain Turkish citizenship by birth:

- a child born to a Turkish mother and a Foreign father in wedlock
- a child born to a Turkish mother and a Turkish father in wedlock
- a child born to a Foreign mother and a Turkish father in wedlock
- a child born to a Foreign mother and a Turkish father out of wedlock
- a child born to a Turkish mother and a Foreign aiti father out of wedlock

Acquiring citizenship by birth is effective as of the date of the birth. A subsequent application, permission, consent, or decision shall not be required for the validity of the citizenship. The Ministry of Interiors is ought to investigate whether the child has acquired Turkish citizenship through her/his parents. The acquisition of Turkish citizenship is not affected by the acquisition or retention of another citizenship.

The exceptional acquisition of Turkish Citizenship has been regulated under Article 12 of TCL.

II. Acquiring Citizenship after Birth

Turkish citizenship can be acquired after birth by the decision of the competent authority, by adoption, or by exercising the right of choice.

1. Acquisition by the Competent Authority’s Decision

TLC has provisions concerning the acquiring of the Turkish citizenships after birth with the decision of the competent authority. Fulfilling the required conditions does not grant the right to acquire Turkish citizenship automatically. The citizenship application examination

commissions formed in the provinces determine whether aliens who wish to acquire Turkish citizenship fulfill the conditions for application. Following that, for those who fulfill the conditions for application, a citizenship file should be issued with their name and sent to the Ministry to be decided. After the examination and inquiry made by the Ministry, those whose situations have been deemed appropriate can acquire Turkish citizenship by the decision of the Ministry, whereas the citizenship applications of those whose situations have been deemed inappropriate have been rejected by the Ministry.

Decisions relating to the acquisition of Turkish citizenship is effective from the date of the decision. The acquisition of Turkish citizenship by the decision of the competent authority does not affect the spouse's citizenship. However, children whose guardianship belongs to the mother or the father on the date of her/his acquisition of Turkish citizenship, based on the other spouse's consent, may acquire Turkish citizenship. In case of the lack of consent, the action should be carried out by the judge in the country of habitual residence of the mother or the father decides on their behalf. If both mother and father of a child together acquire Turkish citizenship, the child also acquires citizenship.

The foreigners who are willing to acquire Turkish citizenship may be required to relinquish their main citizenship. Even though certain provisions are allowing multiple citizenships in the Turkish legislation, the Presidency has discretionary power concerning the necessity of relinquishing his/her citizenship mainly based on reciprocity.

There are four types of acquiring Turkish citizenship

i. Acquisition of Turkish Citizenship in General

Pursuant to Article 11 of the TCL, the general conditions required by the competent authority to acquire Turkish citizenship are as follows:

- to be in the age of majority and have the capacity to act either according to his/her national law or, if he/she is stateless, according to Turkish law,

- to have been resident in Turkey without interruption for five years preceding the date of his/her application¹²
- to verify his/her determination to settle down in Turkey with his/her manners,
- to have no disease constituting an obstacle in respect of public health,
- to be of good moral character,
- to be able to speak a sufficient level of Turkish,
- to have income or profession to provide for maintenance for himself/herself and his/her dependents in Turkey,
- to have no quality constituting an obstacle in respect of national security and public order.

ii. Exceptional Acquisition

The exceptional acquisition of Turkish citizenship has been regulated under Article 12 of the TCL. In the previous form of the law, one of the options below was required for exceptional acquisition:

- A fixed capital investment of at least USD 2.000.000 with the confirmation of the Ministry of Economy
- The purchase of the real estate which is worth at least USD 1.000.000 with an annotation on the deed record concerning the no salability for three years along with the confirmation of the Ministry of Environment and Urbanization
- Conducting a business in which at least 100 Turkish citizens have been employed along with the confirmation from the Ministry of Labor and Social Security
- Depositing USD 3.000.000 into a Turkish bank account and holding the amount for at least three years which has to be proven by the Banking Regulation and Supervision Agency.

¹ To reside in Turkey with a residence permit received for purposes such as education, tourism, escorted to studying children treatment, or with a foreign mission staff identity card that provides immunity does not deem to be the valid residence in the acquisition of Turkish citizenship.

² Staying abroad totaling more than six months in the last year or a year in the last five years deemed to be an interruption in residence and residence periods before this date are not taken into account.

- Investing in Treasury Bond or any types of government loan instruments which worth a minimum of USD 3.000.000 and the maintenance of them for three years along with the confirmation from Secretary of the Treasury

With the amendments made on 18th September 2018, the requirements have been changed drastically in favor of the foreign citizens. Pursuant the new regulation the requirements of one of the options below should be fulfilled:

- A fixed capital investment of at least USD 500.000 (or its equivalent in Turkish Lira or another foreign currency) with the confirmation of the Ministry of Industry and Technology
- The purchase of the real estate which is worth at least USD 250.000 (or its equivalent in Turkish Lira or another foreign currency) with an annotation on the deed record concerning the no salability for three years along with the confirmation of the Ministry of Environment and Urbanization
- Conducting a business in which at least 50 Turkish citizens have been employed along with the confirmation from the Ministry of Labor and Social Security
- Depositing USD 500.000 (or its equivalent in Turkish Lira or another foreign currency) into a Turkish bank account and holding the amount for at least three years which has to be proven by the Banking Regulation and Supervision Agency.
- Investing in Treasury Bond or any types of government loan instruments which worth minimum of USD 500.000 (or its equivalent in Turkish Lira or another foreign currency) and the maintenance of them for three years along with the confirmation from Secretary of the Treasury

The required documents for application as of November 2020 are as follows:

- Application form
- ID (passport, ID card, etc.)
- 4 passport photos for each family member
- Birth certificate
- Residence permit registered on your passport or valid Tourist Visa

- If married, the identity of the spouse and children under 18, if any, and the original official documents proving family ties (marriage certificate or marriage certificate, birth certificates of children).
- Partner or relatives who are Turkish citizens, photocopy of ID card and residence address in Turkey
- Payment receipt for the application
- Valuation report (only if applied through the purchase of real estate)
- Receipt showing the payment of 250,000 USD (only if applied through the purchase of real estate)
- If the purchased property is under construction or in the project phase; notarized property purchase commitment (only if applied through the purchase of real estate)
- Documents taken from the relevant Ministry proving that the aforementioned requirement has been fulfilled.

iii. Re-acquisition of Turkish Citizenship

The persons who have lost their Turkish citizenship may apply for the re-acquisition of Turkish Citizenship, provided the re-acquisition does not constitute an obstacle regarding national security. The conditions below meet the regulations in the TCL one might re-acquire Turkish citizenship.

- If Turkish citizenship has been lost by obtaining a renunciation permit, they may re-acquire Turkish citizenship by the affirmative decision of the Ministry of Interior Affairs, irrespective of their residence period.
- If the Turkish citizenship has been lost due to the parents and the citizenship has not been acquired by using the right of choice within 3 years following the majority age, they may re-acquire citizenship by the affirmative decision of the Ministry of Interior Affairs, irrespective of their residence period.
- If the Turkish citizenship has been lost by the Council of Ministers' decision on the grounds mentioned in article 29 of the Law (i.e. rendering services for a foreign state which is incompatible with the interests of the Republic of Turkey, rendering military services for a foreign state without obtaining permission), they may re-acquire Turkish

citizenship by the decision of the Council of Ministers, provided that they have been legally and duly resident in Turkey for 3 years.

- If the Turkish citizenship has been lost by exercising their right of choice, regulated in article 34 of the Law (children who renounced their Turkish citizenship at their majority age in order to hold or acquire another state's citizenship), they may re-acquire Turkish citizenship by the decision of the Ministry of Interiors, provided that they have been legally and duly resident in Turkey for 3 years.

iv. Acquisition by Marriage

Marrying a Turkish citizen does not automatically grant the right to acquire Turkish citizenship. A foreigner, who is a spouse of a Turkish citizen is eligible to acquire Turkish citizenship, only if he/she meets certain conditions. A person who has been married to a Turkish citizen for at least 3 years and whose marriage continues, may apply for acquisition of Turkish citizenship. However, the applicants shall fulfill the conditions mentioned below;

- living within the unity of marriage,
- abstaining from acts incompatible with the unity of marriage,
- having no quality constituting an obstacle in respect of national security and public order

The condition of living together as a family is not required if the spouse that possess Turkish citizenship, dies during the application.

The nullity of the marriage does not affect acquiring Turkish citizenship, provided that the foreign spouse was in good faith when they entered into marriage. Otherwise, Turkish citizenship has been lost as of the date of the decision of nullity.

2. The Acquisition of Turkish Citizenship by Adoption

A minor child adopted by a Turkish citizen may acquire Turkish citizenship from the date of adoption provided he/she has no quality constituting an obstacle in respect of national security and public order. The assessment concerning being minor should be made according to the adopted person's national law. On the condition that the adopted person has multiple citizenships, Turkish law applies.

3. The Acquisition of Turkish Citizenship by Right of Choice

Pursuant to Article 21 of TCL, children who lost their Turkish citizenship due to their parents may acquire Turkish citizenship by using the right to choose if they apply within three years from the date they reach the age of majority.

