

## TURKISH CITIZENSHIP LAW

Law No. 5901

Adoption Date: 29/05/2009

### PART ONE

#### Objective, Scope, Definitions and Implementation of Citizenship Services

##### Objective

**Article 1-** (1) The objective of this law is to define the principles and procedures regarding the conduct of operations and transactions for acquisition and loss of Turkish citizenship.

##### Scope

**Article 2-** (1) This Law covers regulation of principles regarding acquisition and loss of Turkish citizenship and the procedures on the implementation of citizenship services.

##### Definitions

**Article 3-** (1) For the application of this Law, the following terms and phrases shall have the meanings indicated next to each of them:

- a) Ministry: Ministry of Internal Affairs,
- b) Multiple citizenship: Turkish citizen who has more than one citizenship at the same time,
- c) General Directorate: Population and Citizenship Affairs General Directorate,
- ç) Turkish citizen: anyone who has citizenship bonds with the Republic of Turkey,
- d) Alien: anyone who has no citizenship bonds with the Republic of Turkey,

##### Implementation of Citizenship Services

**Article 4-** (1) Services regarding the acquisition and loss of Turkish citizenship are implemented by Ministry in Turkey, and by external representations abroad.

### PART TWO

#### Acquiring Turkish citizenship

##### Ways of Acquiring Turkish Citizenship:

**Article 5-** (1) Turkish citizenship is acquired by birth or after birth.

##### Citizenship acquired by birth

**Article 6-** (1) Turkish citizenship by birth can be acquired by place of birth and/or descent. Citizenship by birth is acquired at the moment of birth.

##### Descent (Kinship Tie)

**Article 7-** (1) A child born to a married Turkish father or mother, whether in Turkey or abroad, is Turkish citizen.

(2) A child born to a Turkish mother and a alien father out of wedlock is Turkish citizen.

(3) A child born of a Turkish father and an alien mother out of wedlock acquires Turkish citizenship if the principles and procedures regarding the determination of descent are met.

#### **Place of Birth**

**Article 8-** (1) A child born in Turkey, but acquiring no citizenship from his/her alien mother or alien father acquires Turkish citizenship by birth.

(2) A child found in Turkey is deemed to have been born in Turkey unless proven otherwise.

#### **Citizenship acquired after birth**

**Article 9-** (1) Turkish citizenship shall be acquired after birth with a decision of competent authority, by adoption or by choice.

#### **Acquisition of Turkish citizenship with the decision of competent authority**

**Article 10-** (1) An alien who wishes to acquire Turkish citizenship can acquire Turkish citizenship with the decision of the competent authority, provided that he/she fulfils the conditions stipulated by this Law. However, fulfilling the conditions required, do not grant an absolute right to the person to acquire Turkish citizenship.

#### **Conditions Required for Application**

**Article 11-** (1) An alien who wishes to be received into citizenship shall;

- a) be of the age of consent possessing the distinguishing power according to his/her own national legal system, or according to the Turkish law if s/he is stateless;
- b) have been resident in Turkey for five years, without interruption, prior to her/his date of application;
- c) have the intention of settling in Turkey and prove this intention with action;
- ç) not have any disease that constitutes a danger to public health;
- d) be a person of good morals;
- e) speak an adequate level of Turkish;
- f) have an income or profession to provide for his own livelihood and those of his/her dependants in Turkey;
- g) not pose a threat to national security and public order.

(2) Aliens who wish to acquire Turkish citizenship, shall fulfil the conditions set out above, and may be required to fulfil the condition of renunciation of their country's citizenship. Determination of the principles regarding the exercise of this discretion belongs to the Council of Ministers.

#### **Exceptions in acquiring Turkish citizenships**

**Article 12-** (1) Provided that there is no obstacle as regards national security and public order, aliens, set out below, may be received into Turkish citizenship upon a proposal by the Ministry of Interior and decision of the Council of Ministers.

a) Those persons who bring into Turkey industrial facilities or have rendered or believed to render an outstanding service in the social or economic arena or in the fields of science, technology, sports, culture or arts and regarding whom a reasoned offer is made by the relevant ministries.

b) Those whose being received into citizenship is deemed to be necessary.

c) Those persons who recognized as migrants.

### **Re-acquisition of Turkish Citizenship without laying down residence permit as a condition**

**Article 13-** (1) Alien indicated below can re-acquire Turkish citizenship, upon Ministry decision, regardless of their residence period in Turkey provided that he/she does not pose an obstacle to national security.

a) Those persons who had lost Turkish Citizenship by obtaining renunciation permission,

b) Of the persons who had lost their citizenship because of their parents, those who did not enjoy the right of choice (right to apply) within the period foreseen in Article 21.

### **Re-acquisition of Turkish Citizenship based on residence permit as a condition**

**Article 14-** (1) Those who had lost Turkish Citizenship in accordance with Article 29 can be re-naturalized upon the decision of the Council of Ministers; and those who had lost Turkish Citizenship in accordance with Article 34 can be re-naturalized upon the decision of the Ministry provided that he/she has been residing in Turkey for three years and there is no obstacle regarding national security.

### **Calculation of residence and periods**

**Article 15-** (1) For an alien, residence means residing in Turkey with due respect to the Turkish laws. An alien who applies for acquisition of Turkish Citizenship may stay abroad, without exceeding six months, within the residence period required for application. Period which she/he spends outside of Turkey shall be evaluated within the period of residence foreseen in this Law.

### **Acquisition of Turkish Citizenship by marriage**

**Article 16-** (1) Turkish citizenship is not acquired automatically upon marriage to a Turkish Citizen. However, aliens who have been married to a Turkish citizen at least for three years and who are still married, can apply to acquire Turkish citizenship. Applicant married to a Turkish citizen is required to fulfill the following conditions. The applicant:

a) shall live in family unity;

b) shall avoid acts not compatible with the marriage unity;

c) shall not pose a threat on national security and public order.

(2) In case the spouse who is a Turkish citizen dies after the application is lodged, then the applicant is not required to fulfill clause (a) of the first paragraph.

(3) In decision of nullity of marriage, aliens who acquired Turkish citizenship with marriage can preserve their Turkish citizenship, if two sides have entered the marriage contract in good faith.

### **Acquisition of Turkish citizenship by adoption**

**Article 17-**(1) A child, under the age of maturity, adopted by a Turkish citizen shall acquire Turkish citizenship from the day he is adopted, if she/he does not pose threat on national security and public order.

### **Commission for examination of citizenship application**

**Article 18-** (1) The determination of whether or not the applicant is eligible to acquire citizenship in accordance with Article 11 and Article 16, shall be made by the commissions, which shall be established in provinces, for examination of citizenship applications. The establishment of the commission and the working principles shall be determined by a regulation.

### **Principles and procedures for acquisition of Turkish citizenship by the decision of the competent authority**

**Article 19-** (1) From among the aliens who wish to acquire Turkish citizenship with the decision of a competent authority, for those who fulfill the conditions required to apply a citizenship file is opened and sent to the Ministry. Those who are deemed appropriate following the examinations and inquiry launched by the Ministry shall acquire Turkish citizenship upon the decision of the Council of Ministers, those, whereas those whose applications are not deemed appropriate to acquire citizenship shall be rejected by the Ministry.

(2) Procedures for acquisition of Turkish citizenship shall be launched by the Ministry in accordance with Article 12.

### **Validity and consequences of acquisition of Turkish citizenship by decision of competent authority**

**Article 20-** (1) Decisions regarding the acquisition of Turkish citizenship shall become valid from the date of the decision.

(2) Acquisition of Turkish citizenship upon the decision of competent authority shall not affect the citizenship of spouse. Children whose guardianship belongs to the mother or father who acquired Turkish citizenship on the date of acquisition can acquire Turkish citizenship in case the other spouse gives consent. In case of disagreement of the spouse, action shall be taken upon the decision of judge in the country where the mother or father is residing regularly.

(3) Children who are not transacted along with the parents at the date of the acquisition of Turkish citizenship, the provisions of Article 11 shall be applied for their applications, in case they apply to acquire Turkish citizenship after they become reach the age of majority.

### **Acquisition of Turkish citizenship by Right of Choice**

**Article 21-**(1) Children who had lost their Turkish citizenship because of their parents in accordance with Article 27 shall acquire Turkish citizenship by using their right of choice within three years from the day they reach the age of majority.

### **Validity and consequences of the acquisition of Turkish citizenship by using the Right of Choice**

**Article 22-** (1) Acquisition of Turkish citizenship, by using the right of choice shall become valid from the date of decision, relating to the determination of the conditions for using of this right, is made.

(2) Provisions of the Article 20 shall be applied to spouses and children of those who acquire Turkish citizenship by using right of choice.

## **PART THREE Loss of Turkish Citizenship**

### **Loss of Turkish Citizenship**

**Article 23-**(1) Turkish citizenship shall be lost by the decision of the competent authority or by using right of choice.

### **Ways of Loss of Turkish Citizenship by decision of competent authorities**

**Article 24** (1) Loss of Turkish citizenship by the decision of the competent authority shall happen by renunciation, revocation and cancellation of the citizenship.

### **Renunciation of Turkish Citizenship**

**Article 25**(1) Persons, who request permission to renounce Turkish citizenship shall be given renunciation permit or renunciation document by the Ministry, provided that they fulfill the following conditions;

- a. Shall be of the age of consent possessing the distinguishing power
- b. must have acquired the citizenship of a foreign State or have convincing evidences which are showing that the person is likely to acquire the citizenship of a foreign State.
- c. shall not be a person searched as a perpetrator of a crime or as a draft evader.
- d. shall not have any financial or penal limitation.

### **Documents for renunciation of Turkish citizenship**

**Article 26-**(1) Among the persons who request permission for renunciation of Turkish citizenship in order to acquire the citizenship of an foreign State, those whose claims are deemed appropriate shall be issued Turkish citizenship renunciation permit by the Ministry. Those who document that they had acquired citizenship of a foreign state after or before the permission was given, shall be issued a Turkish citizenship renunciation document by the Ministry.

(2) Citizenship renunciation permit shall be valid for a term of two years from the date of the decision. Those who obtained citizenship renunciation permission shall forward the information and documents showing their acquisition of citizenship of a foreign state to the Governorate of the province where he/she resides or to the diplomatic missions of

Turkey if she/he is abroad. In case a person cannot acquire the citizenship of a foreign state before the citizenship renunciation permit expires, the permit becomes invalid.

### **Validity and consequences of renunciation of Turkish Citizenship**

**Article 27-**(1) After the renunciation document is submitted upon signature of the document to the relevant person, he/she loses Turkish citizenship. Records in civil registry office of those who lose Turkish citizenship are closed and shall be treated as alien from the date of loss.

(2) Loss of Turkish Citizenship of one of the spouses by obtaining renunciation permission shall not affect the other spouse's citizenship. In case of a demand by the mother or father who lost Turkish citizenship and the other spouse gives consent, their children also loses citizenship. In case of the disagreement of the spouse, action shall be taken upon the decision of the judge. Children of mother and father who lose Turkish citizenship together by taking renunciation permit shall also lose Turkish citizenship.

(3) If the loss of citizenship would render the children stateless, the provisions of this Article shall not be applied.

### **Rights accorded to those who lost Turkish citizenship by obtaining renunciation permit**

**Article 28-**(1) Provided that the provisions concerning national security and public order are reserved; the Turkish citizens by birth and lost citizenship by obtaining renunciation permit and their children are ensured to hold the right to benefit from the same rights accorded to Turkish citizens, except for the military service obligation, the right to vote and be elected, the right to be employed in public services, right to import exempted vehicles and household goods; provided that their acquired rights of social insurance are reserved and they shall be subject to the provisions of the relevant laws applied while enjoying those rights.

### **Revocation of Turkish Citizenship**

**Article 29-** (1) Those persons who are determined to be involved in the acts written below by the official authorities, may lose Turkish citizenship upon proposal of the Ministry and the decision of the Council of Ministers.

a. Those persons who render services for an alien State which is contradicting with the interests of the Turkish state and who do not voluntarily terminate the services within a reasonable period not less than three months, despite a notification issued by Diplomatic Representations abroad or by local administrative authorities within Turkey.

b. Those persons who render any kind of service voluntarily for the State in war with Turkey without the permission of Council of Ministers.

c. Those persons rendering military service voluntarily for an alien State without obtaining permission.

### **Validity and consequences of renunciation of Turkish Citizenship**

**Article 30-** (1) Renunciation of Turkish citizenship shall be in effect at the date when the Council of Minister's decision is published in the Official Gazette.

(2) Decisions of renunciation are individual; it shall not affect the spouse and children of the concerned person.

### **Annulment of Turkish Citizenship**

**Article 31-**(1) The decision of acquisition of Turkish citizenship shall be annulled by the decision making authority if the concerned person acquires citizenship by hiding the key issues, which form a basis for acquisition of Turkish citizenship or by misrepresentation.

### **Validity and consequences of the decision of annulment**

**Article 32-**(1) Decision of annulment shall be in effect from the date of the decision. Decision of cancellation shall be applied to spouse and children who acquired Turkish citizenship for having links with the concerned person.

### **Liquidation of Belongings**

**Article 33-** (1) The provisions of the Law No. 5683 and dated 15/7/1950 on the Travel and Residence of Foreigners are applied to the persons whose citizenship is annulled. If liquidation of belongings is deemed necessary, this shall be mentioned in the cancellation decision. Such persons shall liquidate their belongings in Turkey within one year at the latest. Otherwise, their belongings shall be sold off by the Treasury and the proceeds shall be deposited in their name and account in a state bank.

(2) If those persons apply to the judiciary against the decision of cancellation, the procedure to liquidate their belongings shall be suspended until the case is concluded.

### **Loss of Turkish citizenship by Right of Choice**

**Article 34-**(1) The persons fulfilling the conditions below can renounce Turkish citizenship within three years after they become adults.

- a) From among persons who acquire Turkish citizenship by birth because of kinship tie to mother or father; those who acquire the citizenship of an alien mother or a father by birth or afterwards
- b) From among persons who are Turkish citizens by kinship tie to (by descent of) mother and father; those who acquire citizenship of an alien state by place of birth
- c) Those who acquires Turkish citizenship by adoption
- ç) Those persons who acquire citizenship of their alien mother or father afterwards, although s/he acquired Turkish citizenship by place of birth
- d) Those who acquire Turkish citizenship, because of (as dependant of) the mother or father who acquired Turkish citizenship somehow.

(2) If the provisions mentioned above would render the person stateless, the right of choice shall not be applied.

### **Validity and consequences of loss of citizenship by right of choice**

**Article 35-(1)** Loss of Turkish citizenship by right of choice shall be in effect from the date of the decision regarding the determination of the existence of the conditions concerning the using of this right.

(2) The provisions of Article 27 shall be applicable for the spouse and children of those who are renounced Turkish citizenship by right of choice.

## **PART FOUR Common Provisions**

### **Proving of Turkish Citizenship**

**Article 36-(1)** The act of proving Turkish citizenship shall not be restricted to any pattern.

(2) The official papers and documents mentioned below shall constitute valid evidence that the person concerned is a Turkish citizen, until the contrary is established.

- a. Certificate of birth
- b. Identification certificates
- c. Passport or documents, which can substitute a passport.

(3) If there is doubt as to whether or not a person is a Turkish citizen, the Ministry of Interior Affairs shall be consulted on this matter.

### **Authority to be applied for actions regarding citizenship and procedure**

**Article 37-(1)** Applications regarding acquisition or loss of Turkish citizenship should be made directly to the Governorate of the province where s/he resides or to the Diplomatic Representations abroad. Applications should be made individually or by a power of attorney for the use of this right.

### **Request for information and document**

**Article 38-(1)** Information and documents on the investigations and examinations regarding citizenship procedures shall be provided without any delay by public organizations and institutions.

### **Rectification of material defects**

**Article 39-(1)** If it is subsequently understood that there was a material defect in the decision taken in accordance with this law, the decision making authority decides to rectify or amend the defect (error).

### **Withdrawal of the citizenship decisions**

**Article 40-(1)** Decisions regarding acquisition or loss of Turkish citizenship shall be recovered (withdrawn) if it is subsequently understood that it is given in a repetitious manner or without having legal conditions.

### **Notification**

**Article 41-**(1) Decisions regarding acquisition or loss of Turkish citizenship shall be notified to the concerned person and the authorities where the application is lodged. In accordance with Article 29, decisions of loss shall be published in the Official Gazette and shall be considered as notified on the date it is published.

## **PART FIVE MISCELLANEOUS PROVISIONS**

### **Citizens of Turkish Republic of Northern Cyprus**

**Article 42-** (1) Citizens of Turkish Republic of Northern Cyprus who apply to acquire Turkish citizenship shall acquire citizenship provided that they declare their wish in written.

(2) For those who acquired citizenship of Turkish Republic of Northern Cyprus afterwards, the provisions stipulated in Article 11 shall be applied.

### **Those who lost citizenship under Law No. 403**

**Article 43-**(1) In accordance with clauses (a), (ç), (d), and (e) of Article 25 of Law no. 403, which is annulled, persons who lost Turkish citizenship shall be re-naturalized upon the decision of the Council of Ministers regardless of the residence condition, provided that there is not any circumstance that forms an obstacle to national security and public order.

### **Multi Citizenship**

**Article 44-**(1) With regard to the persons who acquire the citizenship of a foreign state for any reason, in case they submit documents showing their status and following the inquiry to be launched, in case it is determined that the individual is the same individual as contained in the records, an explanatory note shall be attached to the birth (civil) registry book stating that the relevant individual has multiple citizenship.

### **Service cost of citizenship procedures**

**Article 45-**(1) Payment for service costs regarding procedures for subsequent acquisition of Turkish citizenship (after birth) shall be set out jointly by the Ministry and the Ministry of Finance. Collected amount of service costs shall be registered as revenue in the budget.

(2) According to the Income Tax Law No. 193, those who do not have any income and their minor children shall not pay the service cost in accordance with paragraph one.

### **Regulation**

**Article 46-**(1) Procedures and principles regarding the implementation of this Law shall be stipulated by the regulation which is to be issued by the Council of Ministers.

**Legislation and References which are annulled**

**Article 47-**(1) Turkish Citizenship Law No 403 and dated 11/2/1964, the term ‘province and sub-province’ used in clause 2 of Article 22 of the Population Services Law No 5490 and dated 24/4/2006 are annulled.

(2)References made to the Turkish Citizenship Law No 403 and dated 11/2/1964 in the other legislation shall be understood to be made to this Law.

**Aliens who are of Turkish Descent**

**Provisional Article 1-** (1) For aliens who are of Turkish descent, residence period foreseen in clause (b) of the first paragraph of Article 11 shall be applied as two years until 31/12/2010.

**Implementation of Current Regulation**

**Provisional Article 2-** (1) The regulation foreseen in Article 46 shall be prepared and put into force within 6 months. Until this regulation enters into force, the provisions of the existing regulations which are not in contradiction with this Law shall continue to apply.

**Entry into Force**

**Article 48** (1)-This Law shall enter into force on the day of its publication.

**Implementation**

**Article 49** (1)-The Council of Ministers is empowered to implement the provisions of this Law.