

TURKISH CITIZENSHIP LAW

Law No: 5901

Adoption Date: 29/5/2009

PART ONE

Objective, Scope, Definitions and the Implementation of Citizenship Services

Objective

Article 1 – (1) The objective of this Law is to determine the principles and the procedures regarding the conduct of affairs and processes relating to the acquisition and loss of Turkish citizenship.

Scope

Article 2 – (1) This Law contains the procedures regarding the regulation of principles relating to the acquisition and loss of Turkish citizenship and the implementation of citizenship services.

Definitions

Article 3 – (1) In the application of the present Law;

- a) The Ministry shall refer to the Ministry of Internal Affairs,
- b) Multiple citizenship shall refer to the status of a Turkish citizen who possesses more than one citizenship at the same time,
- c) General Directorate shall refer to the General Directorate of Population and Citizenship Affairs,
- ç) Turkish citizen shall refer to the person who is bound to the Republic of Turkey through the bond of citizenship,
- d) Alien shall refer to the person who has no bonds of citizenship with the Republic of Turkey.

The Implementation of Citizenship Services

Article 4 – (1) Services regarding the acquisition and loss of Turkish citizenship shall be carried out by the Ministry in Turkey and by overseas representative offices abroad.

PART TWO

The Acquisition of Turkish Citizenship

Modes 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 shall be automatically acquired on the basis of descent or place of birth. Citizenship acquired by birth shall be effective from the moment of birth.

Descent

Article 7 – (1) A child born to a Turkish mother or through a Turkish father within the unity of marriage either in Turkey or abroad is a Turkish citizen.

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

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

Place of Birth

Article 8 – (1) A child born in Turkey, but acquiring no citizenship of any state by birth through his/her alien mother or father is a Turkish citizen from the moment of birth.

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

Citizenship Acquired After Birth

Article 9 – (1) Turkish citizenship shall be acquired after birth either by a decision of the competent authority or by adoption or by using the right to choice.

The Acquisition of Turkish Citizenship by Decision of the Competent Authority

Article 10 – (1) An alien who wishes to acquire Turkish citizenship can acquire Turkish citizenship by a decision of the competent authority provided he/she fulfils the conditions laid down in this Law. However fulfilment of the stipulated conditions does not grant that person an absolute right in the acquisition of citizenship.

Conditions for Application

Article 11 – (1) An alien who wishes to acquire Turkish citizenship shall;

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

b) have been resident in Turkey without interruption for five years preceding the date of his/her application,

c) verify his/her determination to settle down in Turkey with his/her manners,

ç) have no disease constituting an obstacle in respect of public health,

d) be of good moral character,

e) be able to speak a sufficient level of Turkish,

f) have income or profession to provide for maintenance for himself/herself and his/her dependants in Turkey,

g) have no quality constituting an obstacle in respect of national security and public order.

(2) Aliens who wish to acquire Turkish citizenship may be required, in addition to the conditions aforementioned, to relinquish previous citizenship. The Council of Ministers shall be competent to determine the principles regarding the exercise of this discretion.

Exceptional States in the Acquisition of Turkish Citizenship

Article 12 – (1) Aliens mentioned below can acquire Turkish citizenship by decision of the Council of Ministers acting on a proposal from the Ministry provided they have no quality constituting an obstacle in respect of national security and public order.

a) Persons who have brought industrial plants into Turkey or have rendered or are being considered to render in future outstanding services in the scientific, technological, economic, social, sporting, cultural and artistic fields and about whom a reasoned offer has been made by the ministries relevant.

- b) Persons whose naturalisation has been considered necessary.
- c) Persons who have been recognised as immigrants.

The Re-acquisition of Turkish Citizenship without Stipulating the Condition of Residence

Article 13 – (1) The persons mentioned below can re-acquire Turkish citizenship by decision of the Ministry irrespective of their residence period in Turkey provided they have no quality constituting an obstacle in respect of national security.

- a) Persons who lost Turkish citizenship by obtaining a renunciation permit.
- b) Of the persons who had lost Turkish citizenship because of their parents those who have not enjoyed the right to choice within the time-limit foreseen in Article 21.

The Re-acquisition of Turkish Citizenship by Residency

Article 14 – (1) Those whose citizenship has been revoked in accordance with Article 29 can re-acquire Turkish citizenship by decision of the Council of Ministers and those who renounced citizenship in accordance with Article 34 can re-acquire Turkish citizenship by decision of the Ministry provided they have no quality constituting an obstacle in respect of national security and they have been residing in Turkey for three years.

Calculation of Residence and Periods

Article 15 – (1) For an alien, residence shall refer to residing in Turkey in conformity with the Turkish laws. An alien who applies for the acquisition of Turkish citizenship may stay abroad without exceeding six months within the residence period required for the application. The period spent abroad shall be evaluated within the residence period foreseen in this Law.

The Acquisition of Turkish Citizenship by Marriage

Article 16 – (1) Turkish citizenship shall not automatically be acquired by marriage with a Turkish citizen. Aliens who have been married to a Turkish citizen for at least three years and whose marriage still continues can apply for the acquisition of Turkish citizenship. The applicants shall fulfil the conditions mentioned below;

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

(2) In case the marriage ends by death of the spouse, who is a Turkish citizen, after the application has been lodged, the applicant shall not be required to fulfil the condition laid down in subparagraph (a) of the first paragraph.

(3) In case of the declaration of nullity of the marriage, aliens who acquired Turkish citizenship by marriage shall keep Turkish citizenship provided they had entered into marriage in good faith.

The Acquisition of Turkish Citizenship by Adoption

Article 17 – (1) A minor child adopted by a Turkish citizen can 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 Citizenship Application Examination Commission

Article 18 – (1) The determination of whether aliens who wish to acquire Turkish citizenship fulfil the conditions for application in accordance with Articles 11 and 16 shall be

made by the citizenship application examination commissions formed in the provinces. The formation and the working principles of the commissions shall be prescribed by a by-law.

The Principles and Procedures in the Acquisition of Turkish Citizenship by the Decision of the Competent Authority

Article 19 – (1) Of the aliens who wish to acquire Turkish citizenship by the decision of the competent authority, for those who fulfil the conditions for application a citizenship file shall be opened in 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 decision of the Ministry, whereas the citizenship applications of those whose situations have been deemed inappropriate shall be rejected by the Ministry.

(2) The processing of the acquisition of Turkish citizenship in accordance with Article 12 shall be carried out by the Ministry.

Validity and Consequences of the Acquisition of Turkish Citizenship by the Decision of the Competent Authority

Article 20 – (1) Decisions relating to the acquisition of Turkish citizenship shall be effective from the date of decision.

(2) The acquisition of Turkish citizenship by the decision of the competent authority shall not affect the spouse's citizenship. Children whose guardianship belongs to the mother or the father on the date of her/his acquisition of Turkish citizenship, in case the other spouse consents, shall acquire Turkish citizenship. In case of lack of consent, action shall be taken according to the decision of a judge in the country of habitual residence of the mother or the father. Children of a mother and father who together acquire Turkish citizenship shall also acquire Turkish citizenship.

(3) The provisions of Article 11 shall apply to the children, who did not acquire Turkish citizenship with their mother or the father on the date of her/his acquisition of Turkish citizenship, in case they apply for the acquisition of Turkish citizenship after they reach the age of majority.

The Acquisition of Turkish Citizenship by the Right to Choice

Article 21 – (1) Children who lost their Turkish citizenship due to their parents in accordance with Article 27 can acquire Turkish citizenship by using the right to choice if they apply within three years from the date they reach the age of majority.

Validity and Consequences of the Acquisition of Turkish Citizenship by the Right to Choice

Article 22 – (1) The acquisition of Turkish citizenship by the right to choice shall be effective from the date of decision regarding the determination of conditions relating to the use of this right.

(2) The provisions of Article 20 shall apply to spouses and children of persons who acquired Turkish citizenship by using the right to choice.

PART THREE

Loss of Turkish Citizenship

States of Loss of Turkish Citizenship

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

Ways of Loss by Decision of the Competent Authority

Article 24 – (1) Loss of Turkish citizenship by decision of the competent authority shall occur by renunciation, revocation or cancellation of the acquisition of citizenship.

Renunciation of Turkish Citizenship

Article 25 – (1) Persons who request permission to renounce Turkish citizenship may be granted a renunciation permit or a renunciation document by the Ministry provided they fulfil the following conditions.

- a) Being in the age of majority and having the capacity to act.
- b) Having acquired citizenship of a foreign state or the existence of convincing indications showing that one will acquire such citizenship.
- c) Not having been wanted due to a criminal offence or military service.
- ç) Being free from any financial and criminal restrictions.

Documents of Renunciation of Turkish Citizenship

Article 26 – (1) Of the persons who request to renounce Turkish citizenship in order to acquire citizenship of a foreign state those whose claims are deemed appropriate shall be issued by the Ministry a Turkish citizenship renunciation permit document; those who authenticate the acquisition of citizenship of a foreign state before or after the permit is given shall be issued by the Ministry a Turkish citizenship renunciation document.

(2) A renunciation permit document shall be valid for a period of two years from the date of decision. Those who obtained a permit document shall forward within this period data and documents regarding their acquisition of a foreign state citizenship in Turkey to the governorship of place of their residence or abroad to the overseas representative offices. In case of non-acquisition of the citizenship of a foreign state within this period, the renunciation permit document shall become invalid.

Validity and Consequences of Renunciation of Turkish Citizenship

Article 27 – (1) Turkish citizenship shall be lost when the renunciation document is handed over against signature to the person concerned. Records in the civil registration office of the persons who lost Turkish citizenship shall be closed and from the date of loss they shall be treated as aliens.

(2) Loss of Turkish citizenship of one of the spouses by obtaining a renunciation permit shall not affect the other spouse's citizenship. In case of a request made by the mother or the father, who lost Turkish citizenship and of the consent of the other spouse, her/his children together shall also lose Turkish citizenship. In case of lack of consent, the action shall be taken according to the decision of a judge. Children of the mother and the father, who lost Turkish citizenship together by obtaining a renunciation permit, shall also lose Turkish citizenship.

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

Rights Accorded to the Persons Who Lost Turkish Citizenship by Obtaining a Renunciation Permit

Article 28 – (1) Those who had been Turkish citizens by birth but lost it by obtaining a renunciation permit and their children transacted with them shall continue to enjoy, without prejudice to the provisions relating to national security and public order, the rights accorded to the Turkish citizens other than those, which are the responsibility of military service, the right to vote and to be elected, the right to be employed in public office and the right to import

exempted vehicles and household goods, provided that their acquired rights relating to social security are saved and they are subject to the provisions of the relevant laws in the use of those rights.

Revocation of Turkish Citizenship

Article 29 – (1) Turkish citizenship of persons whose acts mentioned below are ascertained by the official authorities may be revoked by a decision of the Council of Ministers acting on a proposal from the Ministry.

a) Of the persons, who have rendered services, which are incompatible with the interests of Turkey, for a foreign state, despite the fact that they are notified to cease this task by the overseas representative offices abroad, by the directors of provincial public administration in Turkey, those who do not voluntarily cease this task within the given reasonable time not being less than three months.

b) Persons, who voluntarily continue to render any kind of services for a state, which is at war with Turkey, without the permission of the Council of Ministers.

c) Persons who voluntarily render military service for a foreign state without obtaining permission.

Validity and Consequences of Revocation of Turkish Citizenship

Article 30 – (1) Revocation of Turkish citizenship shall be effective from the date on which the decision of the Council of Ministers is published in the Official Gazette.

(2) Revocation decisions are personal and shall not affect the spouse and children of the person concerned.

Cancellation of Turkish Citizenship

Article 31 – (1) The decision of acquisition of Turkish citizenship shall be cancelled by the decision-making authority, if the concerned person acquired citizenship by misrepresentation or by hiding essential matters constituting the basis in the acquisition of citizenship.

Validity and Consequences of Cancellation Decision

Article 32 – (1) Cancellation decision shall be effective from the date of decision. Cancellation decision shall also be applied to the spouse and children, who acquired Turkish citizenship through the person concerned.

Liquidation of Assets

Article 33 – (1) The provisions of Law No 5683 on the Residence and Travel of Foreigners in Turkey dated 15/07/1950 shall be applied to the persons whose citizenship is cancelled. If the liquidation of their assets is considered necessary, it shall be noted in the cancellation decision. Those persons shall liquidate their assets in Turkey within a year at the latest. Otherwise, their assets shall be sold by the Treasury and the proceeds shall be deposited on their behalf and on their account in a state bank.

(2) In case those persons bring an action against the cancellation decision before the court, liquidation of assets shall be suspended until the conclusion of the case.

Loss of Turkish Citizenship by the Right to Choice

Article 34 – (1) The persons, whose situations are mentioned below, may renounce Turkish citizenship within three years after they reach the age of majority.

a) Of the persons, who acquired Turkish citizenship by birth through the mother or the father on the basis of descent, those who acquired the alien mother's or father's citizenship by birth or after birth.

b) Of the persons, who acquired Turkish citizenship by descent from the mother or the father, those who acquired citizenship of a foreign state by place of birth.

c) The persons, who acquired Turkish citizenship by adoption.

ç) Of the persons, who had acquired Turkish citizenship by place of birth, those who then acquired the alien mother's or father's citizenship.

d) The persons, who acquired Turkish citizenship by descent from the mother or the father, who acquired Turkish citizenship in any form whatsoever.

(2) If loss of citizenship in accordance with the aforementioned provisions renders the person concerned stateless, the right to choice shall not be used.

Validity and Consequences of Loss of Turkish Citizenship by the Right to Choice

Article 35 – (1) Loss of Turkish citizenship by the right to choice shall be effective from the date of decision regarding the determination of the existence of the conditions relating to use of that right.

(2) The provisions of Article 27 shall be applied to spouses and children of the persons, who renounced Turkish citizenship by using the right to choice.

PART FOUR

Common Provisions

The Proving of Turkish Citizenship

Article 36 – (1) The proving of Turkish citizenship is not subject to any form.

(2) The official records and documents mentioned below shall constitute presumptive evidence for the Turkish citizenship of the person concerned, until the contrary is ascertained.

a) Records in the civil registration office.

b) Identity cards.

c) Passport or passport substitute documents.

(3) In case there is doubt about whether a person is a Turkish citizen, this matter shall be referred to the Ministry.

Authority of Application for Citizenship Services and Procedure

Article 37 – (1) Applications regarding the acquisition or loss of Turkish citizenship shall be made in Turkey to the governorship of place of residence, abroad to the overseas representative offices either personally or by power of attorney for using that right.

Request for Information and Document

Article 38 – (1) Information and documents relating to the examination and inquiry regarding citizenship processing shall be provided without any delay by the public institutions and bodies.

Rectification of Material Defect

Article 39 – (1) If it is afterwards understood that there was a material defect in the decisions taken in accordance with this Law, a decision of rectification or alteration shall be taken by the decision-making authority.

Withdrawal of the Citizenship Decisions

Article 40 – (1) Decisions regarding the acquisition or loss of Turkish citizenship shall be withdrawn whenever it is afterwards understood that they were granted either without legal conditions having been met or repetitiously.

Notification

Article 41 – (1) Decisions regarding the acquisition and loss of Turkish citizenship shall be notified to the person concerned and to the authorities to be applied for citizenship services. Revocation decisions taken in accordance with Article 29 shall be published in the Official Gazette and shall be presumed notified on the date of publication.

PART FIVE

Miscellaneous Provisions

Citizens of the Turkish Republic of Northern Cyprus

Article 42 – (1) Citizens of the Turkish Republic of Northern Cyprus, who apply for the acquisition of Turkish citizenship, shall acquire Turkish citizenship provided that they express in writing their wishes to become a Turkish citizen.

(2) The provisions of Article 11 shall be applied to the persons, who acquire the citizenship of the Turkish Republic of Northern Cyprus after birth.

The Persons who Lost Turkish Citizenship According to Law No 403

Article 43 – (1) If the persons who lost Turkish citizenship in accordance with subparagraphs (a), (ç), (d) and (e) of Article 25 of repealed Law No 403 on Turkish Citizenship Law apply for Turkish citizenship, they may be naturalised by the Council of Ministers without stipulating the condition of residence in Turkey, provided they have no quality constituting an obstacle in respect of national security.

Multiple Citizenship

Article 44 – (1) As regards the persons who acquired citizenship of a foreign state for any reason whatsoever, a remark explaining that they hold multiple citizenship shall be put down in their records in the civil registration office, provided they submit documents approving their status and it is ascertained after the examination that the documents and records prove that they belong to the same person.

Service Costs for Citizenship Processing

Article 45 – (1) Service costs fees regarding the acquisition of Turkish citizenship after birth shall be determined by the Ministry and the Ministry of Finance together. Collected amounts of service costs fees shall be recorded as revenue in the budget.

(2) Persons who have no income according to Law No 193 on Income Tax Law and their minor children transacted together with them shall not pay the fee determined in accordance with the first paragraph.

By-law

Article 46 – (1) The principles and procedures regarding the application of the present Law shall be regulated by a by-law adopted by the Council of Ministers.

Legislation and References Repealed

Article 47 – (1) Law No 403 on Turkish Citizenship Law dated 11/2/1964, the term “province and district” enshrined in the second paragraph of Article 22 of Law No 5490 on Population Services Law are repealed.

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

Aliens of Turkish Descent

Provisional Article 1 – (1) The period of residence laid down in subparagraph (b) of the first paragraph of Article 11 shall be applied as two years for aliens of Turkish descent until the date of 31/12/2010.

The Execution of the Existing By-law

Provisional Article 2 - (1) The by-law foreseen in Article 46 shall be prepared and put into force within six months. Until this by-law enters into force, the provisions of the existing by-laws, which are not incompatible with this Law, shall continue to apply.

Entry into Force

Article 48 – (1) This Law shall enter into force on the date of its publication.

Execution

Article 49 – (1) The provisions of this Law shall be executed by the Council of Ministers.

Note on translation

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