

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 proceedings 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 Interior,
- b) Multiple citizenship: Turkish citizen, who has more than one citizenship at the same time,
- c) General Directorate: General Directorate of Population and Citizenship Affairs,
- 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 foreign missions 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 foreign father out of wedlock is Turkish citizen.

(3) A child born of a Turkish father and a foreign 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 foreign mother or foreign father acquires Turkish citizenship by birth.

(2) A child found in Turkey is deemed to have 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 right of choice.

Acquisition of Turkish citizenship with the decision of competent authority

Article 10- (1) A foreigner 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.

(2) **(Addition: 19/10/2017-Law No. 7039 art. 28)** Basic principles and rules regarding subsequent acquisition of Turkish citizenship as per this Law shall be determined by the Ministry upon obtaining opinions of the relevant public authorities and institutions.

Conditions Required for Application

Article 11- (1) A foreigner who wishes to obtain Turkish citizenship shall;

- a) be at the age of maturity possessing the distinguishing power according to his/her own national legal system, or according to the Turkish law if she/he is stateless;
- b) be residing 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) **(Repealed: 19/10/2017-Law No. 7039 art. 34)**

Exceptions in acquiring Turkish citizenships

Article 12- (1) Provided that there is no obstacle with regard to national security and public order, foreigners 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 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) (**Addition: 28/7/2016-Law No. 6735 art. 27**) Those who obtained a residence permit as per article 31 of the Law No. 6458 on Foreigners and International Protection dated 4/4/2013 and foreigners holding Turquoise Card and their foreigner spouse, his/her or his/her spouse's minor or dependent foreigner child.

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

d) Those who are admitted as migrants.

(2) (**Addition: 19/10/2017-Law No. 7039 art. 29**) Requests by those who are in a situation that constitutes an obstacle in terms of national security and public order are rejected by the Ministry.

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

Article 13- (1) Foreigners indicated below can re-acquire Turkish citizenship, upon Ministry decision, regardless of their residence period in Turkey provided that they do not pose an obstacle to national security.

a) Those 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 a foreigner, residence means residing in Turkey with due respect to the Turkish laws. A foreigner who applies for acquisition of Turkish Citizenship may stay abroad, without exceeding twelve¹ 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, foreigners 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:

a) Living in family unity;

b) Avoiding acts not compatible with the marriage unity;

¹ Amended from six to twelve by Law No. 7039 art. 30 dated 19/10/2017.

- c) Not posing 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, foreigner who acquired Turkish citizenship with marriage can preserve his/her 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/she 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 foreigners 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; 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 (...) ² 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. The children of mother and father both of whom have acquired Turkish citizenship shall be entitled to Turkish citizenship.

² The expression “on the date of acquisition” was removed from the article by Law No. 7039 art. 30 dated 19/10/2017.

(3) Children who are not processed 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 have 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 maturity.

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.

(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 take place by renunciation, revocation and cancellation of the naturalization.

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 at the age of maturity possessing the distinguishing power
- b. must have acquired the citizenship of another State or have convincing evidences which are showing that the person is likely to acquire the citizenship of another 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 another 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 obtain citizenship renunciation permission shall forward the information and documents showing their acquisition of citizenship of another 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 another 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 the person shall be treated as a foreigner 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. When the mother or father who has lost Turkish citizenship demands and the other spouse gives consent, their children shall also lose 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 obtaining 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 have lost Turkish citizenship by obtaining renunciation permit

Article 28- (Amendment: 9/5/2012-Law No. 6304 art. 14)

(1) Turkish citizens by birth who have lost citizenship by obtaining renunciation permit as well as their lower lineal kinship up to third degree shall continue to benefit from the same rights accorded to Turkish citizens, except for the exceptions set forth in this article. The provisions concerning national security and public order are reserved.

(2) Persons within the scope of this article do not have the right to vote and be elected, the right to import exempted vehicles and household goods and the duty for performing military service. 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.

(3) Persons within the scope of this article may not be employed in principal and continuous public services based on permanent staffing and subject to public law regime. However, they may be employed as workers, temporary or contracted personnel in public authorities and institutions.

(4) In the case that the Council of Ministers deems it necessary, it may determine up to which degree of lower lineal kinship after third degree may benefit from the rights enshrined in this article.

(5) Lower lineal kinship who will benefit from the provisions of this article must document the kinship with upper lineal kinship.

(6) Blue Card is issued to the persons within the scope of this article upon their demand, which shows that they may benefit from the rights enshrined in this article. This card is within the scope of the Law No. 210 on Valuable Papers dated 21/2/1963.

(7) For use of the rights provided by this article, submission of the Blue Card is sufficient. In the case that the Card cannot be submitted, action is carried out with sample record to be obtained from Blue Card Registry through Identity Sharing System and document showing identity information issued by the authorities of the state of citizenship. In the case that there is a change in identity information of these persons, it is mandatory to submit document showing old and new identity information obtained from the authorities of the state of citizenship, together with their duly approved Turkish translation.

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 who render services for another 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 who render any kind of service voluntarily for a State in war with Turkey without the permission of the Council of Ministers.

c. Those who render military service voluntarily for another State without obtaining permission.

(2) (**Addition: 2/1/2017 – Decree Law No. 680 art. 75, approved without amendment: 1/2/2018 – Law No. 7072 art. 73**) Citizens who are subject to investigation or prosecution due to crimes stated in articles 302, 309, 310, 311, 312, 313, 314 and 315 of Turkish Penal Code No. 5237 dated 26/9/2004 and who cannot be reached due to being abroad, are notified to the Ministry within one month after this situation is discovered by the Public prosecutor at the stage of investigation or by the judge at the stage of prosecution, for revocation of their citizenship. In the case that they do not return to the country within three months despite the call for return at the Official Gazette, Turkish citizenship of these persons may be revoked with the proposal of the Ministry and decision of the Council of Ministers.

Validity and consequences of revocation of Turkish Citizenship

Article 30- (1) Revocation 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 revocation are individual; it shall not affect the spouse and children of the concerned person.

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 acquires citizenship by misrepresentation or hiding the key issues, which form a basis for acquisition of Turkish citizenship.

Validity and consequences of the cancellation decision

Article 32-(1) Decision of cancellation 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 cancelled. If liquidation of belongings is deemed necessary, this fact 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 such persons resort to jurisdiction 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 attain maturity:

- a) From among persons who acquire Turkish citizenship by birth because of kinship tie to mother or father; those who acquire the citizenship of a foreign 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 another State by place of birth;
- c) Those who acquire Turkish citizenship by adoption;
- ç) Those who acquire citizenship of their foreign mother or father afterwards, although she/he has 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 anyhow.

(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 using this right.

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

PART FOUR Common Provisions

Proof 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. Civil registries,
- b. Identification cards,
- c. Passport or passport-substituting documents.

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

Authority to be applied for citizenship proceedings and the procedure

Article 37-(1) Applications regarding acquisition or loss of Turkish citizenship should be filed directly to the Governorate of the province where the applicant resides or to the foreign missions 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 related to investigations and examinations regarding citizenship procedures shall be provided without any delay by public organizations and institutions.

Rectification of mistakes of fact and completion³

Article 39- (Amendment: 19/10/2017-Law No. 7039 art. 31) (1) If it is subsequently understood that there was a mistake or omission of fact in the decision taken in accordance with this Law, correction or completion decision is issued by the General Directorate in line with its basis.

Withdrawal of the citizenship decisions

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

³ The expression “and completion” was added by Law No. 7039 art. 31 dated 19/10/2017.

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 have acquired citizenship of Turkish Republic of Northern Cyprus afterwards, the provisions stipulated in Article 11 shall be applied.

Those who lost citizenship or whose citizenship is annulled⁴

Article 43- (Amendment: 19/10/2017-Law No. 7039 art. 32) (1) Persons who have lost Turkish citizenship as per clauses (a), (ç), (d), and (e) of Article 25 of Repealed Law no. 403, may be re-naturalized upon the decision of the Ministry without being conditional upon residence in Turkey, provided that there is no circumstance that poses an obstacle to national security and public order.

(2) Those whose citizenship was annulled as per Repealed Turkish Citizenship Law No. 1312 dated 28/5/1928, may be re-naturalized upon the decision of the Ministry without being conditional upon residence in Turkey, provided that there is no circumstance that poses an obstacle to national security and public order.

(3) Demands of those with circumstance that poses an obstacle to national security and public order are rejected by the Ministry.

Multi Citizenship

Article 44-(1) With regard to the persons who acquire the citizenship of another State for any reason, in case they submit documents showing their status and following the inquiry to be launched and it is determined that the individual is the same individual as contained in the records, an explanatory note shall be attached to the family registry of the person stating that the she/he 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.

⁴ The title was changed from “Those who lost citizenship under Law No. 403” by Law No. 7039 art. 32 dated 19/10/2017.

(2) Those who do not have any income according to the Income Tax Law No. 193 and their minor children shall not pay the service cost states in paragraph one.

Regulation

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

Annulled Legislation and References

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.

Concealed registry

ADDITIONAL ARTICLE 1 – (Addition: 19/10/2017 – Law No. 7039 article 33)

(1) Persons who were not recorded in family registry for any reason and who do not have a citizenship relation with a foreign state; acquires Turkish citizenship in the case that they submit a medical report showing kinship with their mother or father, or in the case that they are dead, their siblings.

Foreigners who are of Turkish Descent

Provisional Article 1- (1) For foreigners 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.

