

TURKISH CITIZENSHIP ACT

Am. Dr. Tugan AKKUR

Act Number: 250

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LEGISLATION TURQUE

First Section

ACQUISITION OF TURKISH CITIZENSHIP

1. ACQUISITION THROUGH LEGAL MEANS

A) Through lineage

1) By birth

Article 1: Within and outside Turkey,

a) Children born of a Turkish father,

b) Those born of a Turkish mother who are not eligible by birth for their father's citizenship, and

c) Those born outside wedlock to a Turkish mother are Turkish citizens from birth on.

B) Change in status

Article 2: A child born out of wedlock to a foreign mother whose Turkish lineage may be demonstrated through

- a) A judgment of legitimation,
- b) A paternity judgment, or
- c) Acknowledgment by the father.

TURKISH CITIZENSHIP ACT

Asis. Dr. Tayfun AKGÜNER

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First Section

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B) *Change in status :*

Article 2 : A child born out of wedlock to a foreign mother whose Turkish lineage can be demonstrated through

- a) A judgment of legitimation,
- b) A paternity judgment, or
- c) Acknowledgment by the father,

is a Turkish citizen from birth on.

C) *Adoption* :

Article 3 : Adoption does not affect the citizenship of the adopted child; however, should an adopted minor child be stateless, or not have parents, or parents whereabouts be unknown, he becomes a Turkish citizen upon adoption by a Turkish citizen.

2. By place of birth

Article 4 : Children born in Turkey who are not eligible to attain citizenship from their mother or father are Turkish citizens from birth on.

Children located in Turkey shall be considered to have been born in Turkey, unless there is evidence to the contrary.

3. By marriage

Article 5 : A foreign woman who is married to a Turk, who declares she wishes to become a Turkish citizen as outlined in Article 42, or who is stateless, or who loses her former citizenship because of her marriage acquires Turkish citizenship automatically.

Such a woman, who acts in good faith in the marriage contract, shall maintain her Turkish citizenship, even though the marriage be annulled.

Children who are born out of an annulled marriage, keep their Turkish citizenship, even though their mother or father have not acted in good faith.

II. ACQUISITION THROUGH DECISION BY AN
AUTHORIZED OFFICE

1. Type of naturalization and residency

A) *General principles for naturalization* :

Articles 6 : Aliens who meet the following conditions may be naturalized as Turkish citizens by decision of the Council of Ministers :

A person wishing to be naturalized should :

- a) Be an adult according to his own national law, or, if stateless according to Turkish Law;
- b) Have resided in Turkey at least five years prior to the date of his application;
- c) Verify by his actions that he intends to settle in Turkey;
- d) Be of good character;
- e) Be free of any dangerous disease that would threaten the general health of the country;
- f) Know enough Turkish, and
- g) Have sufficient income or professional training to support himself and his dependents.

B) *Exceptional naturalization :*

Article 7 : In the following situations, aliens who do not meet the requirements set up in paragraphs (b) and (c) of Article 6 may acquire Turkish citizenship through their petition, a recommendation from the Ministry of Internal Affairs, and a decision by the Council of Ministers.

- a) Adult children afterwards born of parents who have for whatever reason lost their Turkish citizenship,
- b) Spouses of Turkish citizens and their adult children,
- c) Those of Turkish lineage, their spouses and adult children,
- d) Those who have settled in Turkey with the intent of marrying a Turkish citizen,
- e) Persons who have brought industrial plants to Turkey, who have contributed or are expected to contribute greatly in the social or economic fields or in the intellectual, technical or artistic fields,
- f) Those whose citizenship the Council of Ministers consider indispensable.

C) *Repatriation :*

Article 8 : Without any residency requirements, the Council of Ministers may reestablish citizenship for those who have lost their Turkish citizenship in accordance with this Act. However, Article 35 shall remain in effect.

D) *Residency of aliens :*

Article 9 : An alien may reside in Turkey in accordance with Turkish laws. As long as the total period outside Turkey does not exceed 6 months, an alien's residency permission is not affected by his going outside the country; however, the period he is outside Turkey can not be counted toward residency.

If an alien, who has a residency permit according to the provisions of the Turkish Civil Code, leaves and stays outside of Turkey for training, treatment, or any compelling act of God, residency rights are not affected even if the total period exceeds six months.

2. Procedures for Naturalization

A) *Office of application :*

Article 10 : Persons who meet the qualifications of Article 6 and wish to acquire Turkish citizenship shall apply in writing to the highest government office in the place where they reside; those who meet the provisions of Article 7 and 8 shall apply to the highest government office in the place where they are located, or if abroad, to the Turkish consulate. Documents which these offices have reviewed shall be sent to the Ministry of Internal Affairs for follow-up procedures.

B) *Investigation :*

Article 11 : An investigation shall be conducted on applicants for Turkish citizenship in accordance with the provisions of regulations complying with this Act to be established by the Ministry of Internal Affairs. Whether the applicants meet the necessary conditions shall be determined.

III. ACQUISITION THROUGH ELECTION RIGHT

1. Minors who have lost Turkish citizenship

Article 12 : The following people may elect to become Turkish citizens within one year of their attaining maturity as defined by the Turkish Civil Code :

a) Those, who born of a Turkish mother, do not gain Turkish citizenship.

b) Minors, dependent on their mothers, who lose their Turkish citizenship under Articles 30 and 37.

c) Minors dependent of their mother and/or father, who lose their Turkish citizenship under Articles 32 and 36.

2. Women who lose Turkish citizenship upon marriage

Article 13 . A woman, who renounces Turkish citizenship upon marriage, as covered by Article 19, may regain her citizenship within three years of the dissolution of this marriage.

IV. OUTCOMES OF NATURALIZATION

1. Children of marriage

Article 14 : Minor children from a previous marriage of a woman who acquires Turkish citizenship through marriage may under the following conditions acquire Turkish citizenship derived from their mother's :

- a) The father is dead,
- b) The father's identity is uncertain,
- c) The father is stateless,
- d) The child is stateless, or,
- e) Legal custody has been granted to the mother;

however, in the case of (a) or (e), the conditions of Article 16 must be fulfilled.

2. Naturalization

A) Spouse :

Article 15 : Naturalization does not affect the citizenship of the spouse; however, a stateless woman may derive Turkish citizenship from her husband.

B) *Children :*

Article 16 : Minor children of a naturalized Turkish father shall become Turkish citizens.

Providing there is no obstacle in the national law, minor children of a woman who is a naturalized Turk, may become Turkish citizens derived from their mother's citizenship if

- a) The father is dead,
- b) The father's identity is uncertain,
- c) The father is stateless,
- d) The child is stateless, or,
- e) Legal custody has been granted to the mother.

3. Acquisiton through election right

A) *The Spouse and children of a person who elects Turkish citizenship :*

Article 17 : Articles 15 and 16 of this law which apply to the outcomes of naturalization shall also apply to the spouses and children of persons who utilize their elective right to repatriate themselves as Turkish citizens under Article 12.

B) *The children of women who elect Turkish citizenship :*

Article 18 : Minor children, dependent on a mother who has given up Turkish citizenship because of marriage and who themselves have therefore lost their Turkish citizenship, shall gain their Turkish citizenship, derived from their mother's, if the mother elects to regain her Turkish citizenship under Article 13.

Minor children born of the marriage which has made the mother lose her Turkish citizenship shall become Turkish citizens dependent on their mother if she, under the second paragraph of Article 16, uses her elective right to regain her Turkish citizenship.

Second Section

LOSS OF TURKISH CITIZENSHIP

I. LOSS BY LEGAL MEANS

Marriage

Article 19 : When a Turkish woman, in marrying an alien, is granted the citizenship of her husband because of her husband's national marriage laws and when she declares, in the manner covered in Article 42, that she has selected his citizenship, she loses her Turkish citizenship.

On whatever date the rights of her husband's citizenship are realized, she will lose her Turkish citizenship.

II. LOSS BY AUTHORIZED OFFICIAL DECISION

1. Renouncing Turkish citizenship

A) *Conditions of Renunciation* :

Article 20 : Renunciation of Turkish citizenship under the following conditions requires the permission of the Council of Ministers :

a) The petitioner is an adult of sound mind.
b) The petitioner has fulfilled or is considered as having fulfilled his active military duty. The Ministry of National Defense may grant permission in exceptional cases which are prompted by necessity; however, in such cases, should the person who renounces his Turkish citizenship reacquire it, he would be again responsible for his military service.

c) There must exist convincing proof, outside the will of the petitioner, that he has acquired or will acquire the citizenship of another state.

B) *Office of application* :

Article 21 : The written petition to renounce Turkish citizenship must be submitted to the highest government office in the place

where the petitioner resides, if in Turkey, or the Turkish consulate, if abroad.

Documents which these offices have reviewed shall be sent to the Ministry of Internal Affairs for follow-up procedures.

C) *Renunciation certificate :*

Article 22 : A person who wishes to renounce his citizenship will be immediately granted a renunciation certificate, if he is already the citizen of another state.

If the person who wants to renounce his citizenship is not already a citizen of another State, the renunciation certificate will be issued to him when he can produce a document proving that he has acquired citizenship in the foreign State involved.

D) *Provisions for renunciation :*

Article 23 : Turkish citizenship shall be lost upon the issuance of the renunciation certificate covered in Article 22.

Loss of Turkish citizenship shall become definite three years from the date the permission covered in Article 20 is granted if the renunciation certificate is not received.

2. **Revocation of naturalization**

Article 24 : If false documents have been submitted in a naturalization proceedings or if important information has been concealed. The Council of Ministers may revoke a naturalization decision.

A revocation decision can not be made after the person involved has been a naturalized citizen for more than five years.

3. **Acts unbecoming a citizen**

A) *Denationalization :*

Article 25 : The following persons may be denationalized from Turkish citizenship by decision of the Council of Ministers:

a) Those who acquire citizenship in a foreign state on their own accord without obtaining permission to renounce their Turkish citizenship.

b) Those who serve a foreign state in any way contrary to Turkey's interests and who do not voluntarily abandon that activity within a suitable period of no less than three months despite an order being served on them by the Turkish Embassy or consulate, if outside the country, or by the local government office, if within the country.

c) Those who continue to work in any way without Turkish permission on their own accord for a State with which Turkey is at war.

d) Those in foreign countries who, without due excuse, fail to accede within three months to a duly authorized, official summons to fulfill their military obligations or, in case of a declaration of war by Turkey, to defend their home-country.

e) Those who, during transport to or after having joined their military units, flee abroad and do not return within the legally specified period.

f) Members of the armed forces or those fulfilling their military obligations who, for reasons of duty, leave, change of environment or treatment, are abroad and who, without due excuse, do not return within three months of the termination of the allotted period.

g) Naturalized Turkish citizens who live continuously at least seven years abroad and who have no official contract or take no steps to indicate that they have not cut their bonds with and interest in Turkey or to maintain their Turkish citizenship.

For decisions based on (d), (e) or (f), the recommendation of the Ministry of National Defense is required.

B) *Banishment* :

Article 26 : Persons abroad who acquired Turkish citizenship after birth and who are engaged in activities against the internal and external security of the Republic of Turkey, who can not be prosecuted in Turkey, and who without due excuse do not respond within three months to a summons to return to their homeland may be banished from Turkish citizenship by decision of the Council of Ministers,

This provision, when Turkey is at war, may be applied to those who are citizens by birth.

III. LOSS THROUGH ELECTION RIGHT

1. Children who acquire Turkish citizenship

Article 27 : The following Turkish citizens may, within two years of their attaining maturity, renounce their Turkish citizenship:

- a) Those who, though Turkish citizens at birth as dependents of their mother, later acquire the citizenship of their foreign father,
- b) Those who have become Turkish citizens through adoption,
- c) Those who, though Turkish citizens because of their birth place, later acquire the foreign citizenship of their father or mother, or
- d) Those who in any way have acquired Turkish citizenship derived from their naturalized Turkish mother or father.
- e) The rights covered in the provisions above can not be exercised if, with the renunciation of Turkish citizenship, a stateless condition would result.

2. Women who acquire Turkish citizenship through marriage

Article 28 : Women, who have acquired Turkish citizenship through marriage as covered by Article 5, may, within three years of the dissolution of their marriage, renounce their Turkish citizenship providing that they have retained their pre-marital citizenship or that they may regain it.

IV. THE OUTCOMES OF LOSS

1. General treatment of aliens

Article 29 : Persons who lose their Turkish citizenship, according to the provisions of this Act, are subject to treatment as aliens from the date of their loss. On matters such as residency, acquisition and transfer of real estate, inheritance and work permission, they

can enjoy only these rights that Turkish laws grant aliens. The provisions of Articles 33 and 35 shall remain in effect.

2. Children of marriage

Article 30 : The minor children of a woman who has lost her Turkish citizenship through marriage to a foreigner, under Article 19, shall lose their Turkish citizenship as dependents of their mother if,

- a) Their father is dead,
- b) Their father's identity is uncertain, or
- c) Their father is stateless.

The loss of Turkish citizenship under this paragraph is tied to the written assent of a child over 15 years old.

If the effect of the loss of Turkish citizenship under the above paragraph is to leave the children stateless, they shall remain Turkish.

3. Renunciation of citizenship

A) Spouse :

Article 31 : Renunciation of citizenship does not affect the citizenship of the spouse.

B) Children :

Article 32 : Minor children, as dependents of a father who renounces his Turkish citizenship, shall lose their Turkish citizenship.

The citizenship of minor children whose mother has renounced her Turkish citizenship is not affected; however, the minor children of a mother who has renounced Turkish citizenship shall lose their Turkish citizenship, as dependents of their mother, if

- a) Their father is dead,
- b) Their father's identity is uncertain,
- c) Their father is a foreigner, or
- d) Legal custody has been granted to the mother.

Loss of citizenship, as a dependent of mother or father, is bound to the written assent if the child is over 15.

If the effect of the loss of Turkish citizenship under the above provisions is to leave the children stateless, they shall remain Turkish.

4. Revocation of citizenship

Article 33 : A decision to revoke the citizenship of a person covers his spouse and any children who have derived their citizenship from his.

The provisions of a revocation decision are not retroactive. In cases where it is considered essential to liquidate property of those whose citizenship has been revoked or to deport them, the matter shall be stated in the revocation decision. Such persons shall have at most a year to liquidate their property in Turkey, move their residency and work quarters abroad and to leave the country. Otherwise, their property will be sold by the Treasury; the money will be deposited in a national bank on their behalf; and they themselves will be deported. Should they appeal to the High Administrative Court against the revocation decision, the liquidation of their property and their deportation shall await the settlement of the case.

5. Denationalization and banishment

A) *In general* :

Article 34 : Decisions for denationalization and banishment are personal. They do not affect the concerned person's spouse or children.

B) *Banishment* :

Article 35 : The property of those who are banished from Turkish citizenship under Article 26, shall be liquidated by the Treasury and the earnings shall be deposited on their behalf in a national bank. If these persons appeal to the High Administrative Court against the banishment decision, the liquidation of the property shall wait until the case is settled.

These people may visit Turkey providing they don't settle in Turkey and they abide by the law.

If a person returns to Turkey before the notice of his banishment from citizenship or its publication in the Official Gazette, all banishment proceedings against them stop.

Those who have been banished from Turkish citizenship may in no way regain their Turkish citizenship.

6. Loss through election right

A) *Spouse and children of person who elects to renounce Turkish citizenship :*

Article 36 : Article 31 and 32 of this Act, which cover outcomes of renouncing citizenship, shall also apply to the wives and minor children of persons who elect to renounce their Turkish citizenship under Article 27.

B) *Children of women who elect to renounce their Turkish citizenship :*

Article 37 : Minor children who have derived their Turkish citizenship through their mother's marriage shall lose their Turkish citizenship, as dependents of their mother, if she elects to renounce her Turkish citizenship under Article 28.

Minor children of the marriage which has gained for a woman her Turkish citizenship shall lose their Turkish citizenship as dependents of their mother if she elects to renounce her Turkish citizenship under Paragraph 2 of Article 32.

Third Section

PROOF OF TURKISH CITIZENSHIP JUDICIALLY

I. PROOF OF TURKISH CITIZENSHIP

1. Form of proof

Article 38 : There is not any single way of proving Turkish citizenship. The following official records and documents and similar ones shall constitute evidence that the person involved is a Turkish citizen :

- a) Birth records of the Republic of Turkey,
- b) Certificates of birth,
- c) Passport and documents that serve as passports,
- d) Certificates of citizenship issued by a Turkish consulate.

2. Administrative offices

Article 39 : If Turkish offices question whether someone is a Turkish citizen or not, the matter shall be posed to the Ministry of Internal Affairs.

II. JUDICIAL PROOF

1. The High Administrative Court

Article 40 : Decisions of any kind by administrative offices regarding Turkish citizenship may be appealed to the High Administrative Court.

2. Judicial organs other than High Administrative Court

Article 41 : Whether someone is a citizen or not, can be argued before any Turkish judicial organ besides the High Administrative Court. If the concerned court is in doubt, it shall refer the matter to the Ministry of Internal Affairs. The Ministry of Internal Affairs must announce its decision within one month at the latest.

If the parties do not contest the decision by appealing to the High Administrative Court, within a month of the time that the court which is hearing the case notifies the parties of the decision given by the Ministry of Internal Affairs, the Ministry's decision becomes final.

If the High Administrative Court is appealed to, as described in the second paragraph, the case being considered shall be stayed pending the decision. The High Administrative Court must respond within three months to a petition filed according to the fore-mentioned paragraph.

Fourth Section

MISCELLANEOUS PROVISIONS**I. DECLARATION CONCERNING CITIZENSHIP
BY MARRIAGE**

Article 42 : The declarations covered in Articles 5 and 19 shall be made in writing.

a) If the marriage is performed by an authorized Turkish marriage official, to that official during the marriage ceremony, or

b) If the marriage is performed by an authorized foreign official, then to the Turkish offices responsible for marriage registration within one month of the marriage contract.

The office which records the declaration in accordance with the first Paragraph shall send it along with the documents relating to the marriage registration to the responsible birth registration official.

II. PROCEDURE FOR EXERCISING ELECTION RIGHT

Article 43 : The election right mentioned in Articles 12, 13, 27 and 28 shall be exercised by sending a written notice to the local highest government office or, if in foreign countries, to the Turkish embassy or consulate for forwarding to the Ministry of Internal Affairs.

III. CORRECTION OF MATERIAL ERRORS

Article 44 : If it is afterwards discovered that there is material error in decisions taken according to this Act, the office having given the decision may decide to correct or to amend it.

Article 45 : Decisions regarding acquisition or loss of Turkish citizenship shall be published in the Official Gazette along with the full identity of the persons concerned in the recommendation of the Ministry of Internal Affairs.

Fifth Section

FINAL PROVISIONS

I. ACTS AND PROVISIONS REPEALED

Article 46 : While Act numbered 431 and its amendments and the provisions of the Settlement Act which concern citizenship shall remain in effect, Acts numbered 1041 and 1312 and other provisions in conflict with this Act are hereby repealed.

II. TEMPORARY PROVISIONS

Lost persons

Temporary Article 1 : Persons who left Turkey following the National War of Independence and up to the end of 1930 bearing passports issued by the Turkish Grand National Assembly stamped "Not permitted to return" or by the Occupation Forces in Istanbul, or without papers and who its is not know whether they be bead or alive, and who are only registered in the birth records shall be considered to have lost their Turkish citizenship on the date this Act becomes effective.

The Ministry of Internal Affairs shall take any actions required.

Right to petition granted those denaturalized

Temporary Article 2 : The Council of Ministers has authority to apply Article 8 of this Act concerning persons born Turkish citizens who were denaturalized by provisions of the Ottoman Nationality Code and the Turkish Citizenship Act numbered 1312, providing that they petition to be repatriated within a year of the effective date of this Act and that there is no objection to their being repatriated.

III. EFFECTIVENESS

Article 47 : This Act shall go into effect three months after its publication.

IV. ENFORCEMENT

Article 48 : The Council of Ministers shall enforce this Act.