

**EMBASSY OF THE  
KINGDOM OF DENMARK**

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With reference to the question asked by the Danish Ministry of Foreign Affairs regarding the conditions which should be fulfilled in order to acquire Turkish citizenship, below please find our response in accordance with the Turkish Citizenship Law numbered 5901 ("TCL").

Please kindly be informed that there are six main ways determined in TCL to acquire Turkish citizenship.

**Article 5 of TCL: "Turkish citizenship is acquired by birth or after birth".**

**ACQUISITION OF TURKISH CITIZENSHIP**

**BY BIRTH**

1. On the basis of descent
  - 1.1. Born within union of marriage
  - 1.2. Born without union of marriage
2. On the basis of place of birth
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**AFTER BIRTH**

3. Acquisition of citizenship through a decision of the competent authority
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6. Acquisition of citizenship by the citizens of Turkish Republic of Northern Cyprus

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## **A. ACQUISITION OF TURKISH CITIZENSHIP BY BIRTH**

**Article 6 of TCL:** *“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.”*

Please kindly be informed that TCL accepts acquisition of Turkish citizenship by birth both on the basis of descent and place of birth. The primary way of acquisition by birth is the one which bases on the descent. However, place of birth principle is also accepted for acquisition of Turkish citizenship in order to avoid leaving people as stateless.

Fulfilling conditions stated in related Articles of TCL (Articles 7 & 8) is automatically sufficient in order for a person to acquire Turkish citizenship by birth both on the basis of descent and place of birth. Therefore, there is no need a decision or approval to be given by any authority.

### **1. On the Basis of Descent**

**Article 66 (2) of Turkish Constitution:** *“A person is a Turkish citizen when his/her mother or father is a Turkish citizen.”*

**Article 7 of TCL:** *“(1) A child born in Turkey or out of Turkey is a Turkish citizen in case where mother or father of the child is a Turkish citizen and the child is born within the union of marriage”.*

*(2) A child born without the union of marriage is a Turkish citizen in case where his/her mother is a Turkish citizen and his/her father is a foreigner.*

*(3) A child born without the union of marriage is a Turkish citizen in case where his/her mother is a foreigner and his/her father is a Turkish citizen provided that the principles and procedures ensuring the establishment of descent are performed.”*

As seen from Article 7 of TCL, acquisition of Turkish citizenship by birth on the basis of descent is the acquisition dependent to the mother and/or father of a child, regardless of the place of birth.

#### **1.1. Born within Union of Marriage**

The descent between the mother/father and the child is regulated in Turkish Civil Code numbered 4721 (“TCC”). As per Article 282 of TCC, *“descent between the mother and the child arises at the moment of birth. Descent between the father and the child arises through marriage, recognition or a Court decision”.*

As stated, descent between the mother and the child arises at the moment of birth therefore, it is not required to be born within union of marriage in order to acquire Turkish citizenship as long as the

mother is a Turkish citizen. However, when the child is born within the union of marriage, it is sufficient for a child to acquire Turkish citizenship when the mother or the father is a Turkish citizen.

Acquisition of another nationality (of foreign mother or father) does not prevent the child from acquiring Turkish citizenship.

## **1.2. Born without Union of Marriage**

As seen from Article 7(2) and 7(3) of TCL above, there are two different ways in order to acquire Turkish citizenship when the child is born without union of marriage.

In case where the mother is a Turkish citizen and the father is a foreigner, the child automatically acquires Turkish citizenship as per Article 282 of TCC as explained above.

In case where the father is a Turkish citizen and the mother is a foreigner, descent between the child and the father shall be established in order for the child to acquire Turkish citizenship. When the descent is established through marriage, recognition or a Court decision, the child acquires Turkish citizenship as of the date of birth.

Furthermore, please note that TCL only requires the consequences of legal descent and does not stipulate the forms of establishment. In other words, forms establishing the legal descent determined in Turkish law (marriage, recognition, court decision) are not the only ways. Therefore, for instance establishment of the legal descent in accordance with law, which is valid as per conflict of laws, and recognition and enforcement of the related decision in Turkey also grant Turkish citizenship to the child. In this regard, By-Law dated May 29, 2009 regarding the Implementation of TCL ("**By-Law**")<sup>1</sup> regulates in Article 7(4) that a child whose mother is a foreigner and father is a Turkish citizen and who is born without union of marriage, in Turkey or out of Turkey, acquires Turkish citizenship as of the date of birth, provided that the descent between father and child is legally established as per provisions of the International Private and Civil Procedure Law numbered 5718 ("**IPCPL**"). As per Article 16 of IPCPL, establishment of descent shall be subject to the national law of the child on the date of birth, in the absence of thereof, the law of the domicile of the child is valid. In case where the descent cannot be established according to these laws, then the national law of mother or father on the date of birth, domicile law of mother or father on the date of birth, laws of the country where the child is born apply respectively.

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<sup>1</sup> Please note that By-Law regulates the application procedure and details. Therefore, only the related provisions will be explained here in below under each sub-title in order to enlighten the implementation of TCL.

## 2. On the basis of place of birth

Acquisition of Turkish citizenship by birth on the basis of place of birth is accepted by TCL in order to avoid leaving people as stateless. As a principle of International Law, when a child whose father and mother are not known acquires the citizenship of the county in which he/she is found.

### 2.1. Born in Turkey

**Article 8(1) of TCL:** *"A child, who was born in Turkey however who could not acquire citizenship of any other country at the moment of birth through his/her mother and father, is a Turkish citizen as of the date of birth".*

As seen from Article 8(1) of TCL, there are two conditions to be met for the acquisition of Turkish citizenship by this way. Firstly, the child shall be born in the territory of Turkey, including territorial waters and airspace of Turkey. Secondly, the child shall not acquire any other citizenship through the descent of his/her mother and father. At this point, it should be stated that other citizenship shall not be acquired at the time of birth. Acquisition of other citizenship after birth through his/her mother or father will not affect the Turkish citizenship acquired at the moment of birth. In this regard, the child will have a dual citizenship.

### 2.2. Found in Turkey

**Article 8(2) of TCL:** *"A child found in Turkey is deemed as born in Turkey unless otherwise proven".*

In line with the said article, a child acquires Turkish citizenship when he/she is found in Turkey since it is accepted that he/she was born in Turkey. Contrary case may always be proven and the law does not set forth a precise period or person to do so.

## B. ACQUISITION OF TURKISH CITIZENSHIP AFTER BIRTH

Initially, please note that there is not any difference, in terms of right and obligations, between the acquisition of Turkish citizenship by birth and after birth.

**Article 9 of TCL:** *"Turkish citizenship shall be acquired after birth either through a decision of the competent authority or by adoption or by exercising the right to choose".*

Please kindly be informed that acquisition of Turkish citizenship after birth does not retroactively bear consequences, but instead bears consequences from the moment of finalization of the related legal transaction such as a decision of the Court or the Ministry of Interior.

### 3. Acquisition of Citizenship through a Decision of the Competent Authority

**Article 10 of TCL:** *“A foreigner, who wishes to acquire Turkish citizenship, may acquire Turkish citizenship provided that he/she fulfils the conditions stipulated in this law, by way of having a decision of the competent authority. However, fulfilling conditions stipulated does not grant an absolute right to the person for acquiring the citizenship”.*

Grounds of TCL state that acquisition of Turkish citizenship is not an absolute right when the conditions are fulfilled due to the fact that granting a citizenship is directly related to the right of independence of a state. Therefore, the competent authority and the State reserve their right to reject the application of acquiring citizenship. Nevertheless, the authorities are not entitled to stipulate another condition rather than the stated ones in TCL.

- The competent authority is the Ministry of Interior for;
  - Acquisition of citizenship based on a general application,
  - Re-acquisition of citizenship without the condition of residence,
  - Re-acquisition of citizenship which requires the condition of residence for the applicants who previously lost their Turkish citizenship as per Article 34 TCL,
  - Acquisition of citizenship by marriage,
  - Acquisition of citizenship by adoption,
  - Acquisition of citizenship by way of exercising the right to choose (not for approval, but for declaration).
  
- The competent authority is the Council of Ministers for;
  - Acquisition of citizenship in exceptional cases,
  - Re-acquisition of citizenship which requires the condition of residence for the applicants whose citizenship has been previously revoked as per Article 29 of TCL.

#### 3.1. Based on a General application

Conditions for general application are stipulated in Article 11 of TCL.

**Article 11 of TCL:** *“(1) A foreigner who wishes to acquire Turkish citizenship shall;*

- a) be legally adult and have mental capacity according to his/her own national law or according to Turkish law if he/she is stateless,*
- b) have been residing in Turkey without interruption for five years preceding the date of his/her application,*
- c) verify his/her determination through his/her manners to settle down in Turkey,*



- ç) have no disease constituting an obstacle in respect of general public health,*
- d) have moral values,*
- e) be able to speak Turkish at sufficient level,*
- f) have income or profession in order to earn a living for himself/herself and his/her dependents in Turkey,*
- g) not be in a situation which poses an obstacle to the national security and public order.*

*(2) Foreigners, who wish to acquire Turkish citizenship, may be required to renounce his/her existing citizenship, in addition to the aforementioned conditions. The Council of Ministers shall have the authority to determine the principles regarding the exercise of this discretion”.*

At this point, conditions should be explained in detail.

**Being legally adult and having mental capacity:** Article 11 of TCC determines that “a person is legally adult (i) at the age of 18 or (ii) when he/she gets married”. Article 12 of TCC adds that “a person at the age of 15 is legally adult when there is a decision rendered by the Court upon the request of the person or his/her parents”. Furthermore, Article 13 of TCC defines the mental capacity as “everyone, who is not deprived of acting rationally due to being under age or mental disease, mental defectiveness, drunkenness or similar reasons, has the mental capacity”. As seen, these are the definitions made under Turkish Law. However, as Article 11 states, the person who wishes to acquire Turkish citizenship shall be legally adult and have mental capacity according to his/her national law. In this regard, this condition shall be evaluated according to the laws of the country with which the person has citizenship relation.

#### **Residing in Turkey:**

**Article 15 of TCL:** “Residence for a foreigner shall mean residing in Turkey in accordance with laws of Turkey. Foreigner, who applies for the acquisition of Turkish citizenship, may stay in abroad up until 6 months in total within the residence period required for the application. The period spent in abroad shall be deemed as within the residence period determined in this law”.

In this regard, there are two conditions to be fulfilled. First, entrance to and residing in Turkey shall be legal. In case where a foreigner illegally enters into Turkey and resides for five years, his/her application will be rejected. Second, the residence period shall not be interrupted. The person may leave Turkey only for 6 months in total during this five-year period. Pursuant to Article 71 of By-Law, “in the event that the person spends more than 6 months in abroad or lives in Turkey without a valid residence permit or lives in Turkey more than 6 months without having residence permit; the residence period stipulated as a condition in Article 11 of TCL is interrupted and the residence period before the date of interruption are not counted”. In this respect, the residence period starts to be counted from the beginning.

**Manners to settle down:** Article 15(1)-c of By-Law enumerates the manners verifying to settle down in Turkey as buying a real estate in Turkey, having an investment in Turkey, bringing trade centre from another country to Turkey, finding a job and acquiring a work permit in Turkey, marrying a Turkish

citizen, having a family –father, mother, sibling or a child- who already acquired Turkish citizenship, and completing education in Turkey. Pursuant to Article 16(2)-c of By-Law, *“application basing on a legal residence permit however not verifying the determination to settle down in Turkey such as asylum, refuge, education, tourism, accompaniment to a child for his/her education, treatment, shall be rejected”*. Article 71(1)-ç of By-Law adds that *“residing in Turkey based on a foreign mission identity card, which ensured diplomatic and consular immunities, are not accepted as a valid residence for the acquisition of Turkish citizenship”*. However Article 71(1)-d regulates that unaccepted residence reasons for the acquisition of Turkish citizenship are counted in case where the residence of the foreigner is turned into residence based on a valid residence for the acquisition of Turkish citizenship.

**Disease constituting an obstacle in respect of general public health:** are the contagious diseases such as AIDS or swine influenza.

**Having moral values:** Although moral values are not described in TCL, it is generally accepted as acting in compliance with Turkish customs. Article 15(1)-d of By-Law enlightens this condition by means of stating that *“acting as responsible which is required to live in a society, giving confidence and not having a bad habit which is not welcome by the society and which is against the principles of the society.”*

**Speaking Turkish at sufficient level:** Grounds of TCL states that a foreigner, who wishes to live in Turkey, shall speak Turkish at minimum level, in order to express himself/herself in terms of orientation to Turkish society. Furthermore Article 19 of By-Law regulates that foreigner applying for the acquisition of Turkish citizenship shall be subject to an interview with the Citizenship Investigation Commission in respect to sufficiency of speaking Turkish (together with the fulfilling conditions required for the application, having an income in order to earn his/her life etc.)

**Having income or profession in order to earn a living in Turkey:** Pursuant to Grounds of TCL, Article 9(f) aims at preventing persons who do not have any income from being a burden to the Turkish society.

**Situation which poses an obstacle to the national security and public order:** Pursuant to Grounds of TCL, Article 9(g) aims at preventing persons who pose danger to the national security and act against national interest and unity of the State, support such actions, are in relations with such persons and groups, and act in a way which disarrange the public order by means of actions such as riot, sabotage, espionage, arms and drug smuggling, forgery of documents, from acquiring of Turkish citizenship.

**Authority of the Council of Ministers to request the renunciation of another citizenship:** As seen from the paragraph 2 of Article 11, TCL does not stipulate the renunciation of another citizenship as a condition however, grants the authority to the Council of Minister to request it. Some countries require the renunciation of another citizenship in order to grant the citizenship of their own country. The Council of Ministers exercises its authority generally as retaliation in such cases.

### 3.2. Exceptionally Acquisition of Citizenship

Exceptional applications may be made for the acquisition of Turkish citizenship under TCL by persons who have tighter connections and close relations with Turkey. TCL makes easier to acquire citizenship for these persons when comparing to persons who makes general application.

**Article 12 of TCL:** *“The following foreigners may acquire Turkish citizenship through a decision of the Council of Ministers upon the proposal of the Ministry (of Interior) provided that they are not in a situation which poses an obstacle to the 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 justified offer has been made by the relevant ministries.*
- b) *Persons to whom granting the Turkish citizenship is seen as indispensable,*
- c) *Persons who are deemed as immigrants”.*

**Article 19(2) of TCL:** *“Transactions of acquiring Turkish citizenship in accordance with Article 12 of TCL shall be carried out by the Ministry of Interior.”*

In case where the situation of a person falls into one of these categories, TCL requires only one condition which is not being in a situation which poses an obstacle to the national security and public order in order to acquire Turkish citizenship. However, it should be stated that the Council of Ministers is not bound by the proposal of the Ministry of Interior.

**Persons who have brought industrial plants into Turkey or have rendered or are being considered to render in future outstanding services:** These are the foreign persons accepted as rendering outstanding services to Turkey therefore, the State grants Turkish citizenship to these foreigners in an easier way, if they wish so.

**Persons to whom granting the Turkish citizenship is seen as indispensable:** These are the persons who must be granted Turkish citizenship due to political or administrative reasons. This sub-paragraph is criticised in doctrine due to the fact that the framework of the notion of indispensable is not determined and the State has a broad discretion.

**Persons who are deemed as immigrants:** Article 21 of By-Law explains the process of application for immigrants. While explaining the related process, it states that the immigrants are qualified as immigrants in compliance with the Settlement Law numbered 5543. The Settlement Law describes the notion of immigrant as *“persons, having Turkish descents and being connected to the Turkish culture, are welcomed to the country by this law when they enter into Turkey, alone or as a group, in order to settle down in Turkey.”* In this regard, persons, who fulfil the conditions to be deemed as immigrants in Turkey, may exceptionally acquire Turkish citizenship without making a general application.





### 3.3. Re-Acquisition of Citizenship

Re-acquisition of Turkish citizenship is a way of application for persons who have lost their citizenship for any reason and who wish to acquire it again. Application for re-acquisition of Turkish citizenship is possible in two ways.

#### 3.3.1. Without the Condition of Residence

**Article 13 of TCL:** *“The following persons may re-acquire Turkish citizenship upon a decision of the Ministry (of Interior) irrespective of their residence period in Turkey, provided that they are not in a situation which poses an obstacle to the national security.*

*a) Persons who lost Turkish citizenship by way of obtaining a renunciation permit,*

*b) Persons who had lost Turkish citizenship because of their parents and who have not enjoyed the right to choose within the time-limit foreseen in Article 21 of TCL.”*

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

- a) Being legally adult and having mental capacity,*
- b) Having acquired foreign citizenship or having convincing indications which demonstrate that he/she will acquire foreign citizenship,*
- c) Not being wanted by the police due to a criminal offence or military service,*
- ç) Not having any financial and criminal restrictions”*

**Article 27 of TCL:** *“(1) Turkish citizenship shall be lost when the renunciation document is handed over against signature to the person concerned. Records of the person, who lost Turkish citizenship, at the state registry shall be de-registered and he/she shall be treated as a foreigner as of the date of loss.*

*(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, their children shall also lose Turkish citizenship together with them. In case of lack of consent, the action shall be taken according to the decision of a Court. 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 as stateless, the provisions of this Article shall not apply.”*

**Article 21 of TCL:** *“Children, who lost their Turkish citizenship due to their parents as per Article 27, may acquire Turkish citizenship by exercising the right to choose, provided that they apply for the acquisition within three years from the date on which they become legally adult.*

As seen from the article, in case where foreigners who were Turkish citizens before, however lost their citizenships due to the reasons stated in Article 13 of TCL, they may re-acquire Turkish citizenship in an easier way and without being subject to the condition of residence.

**Persons who lost Turkish citizenship by way of obtaining a renunciation permit:** Please note that Turkish citizens, who especially residing in European countries, may be forced to renunciation of their Turkish citizenships in order to acquire citizenships of those countries. TCL makes the process easier for these persons when they wish to re-acquire Turkish citizenship afterwards. In this regard, persons who lost Turkish citizenship by way of obtaining a renunciation permit from Turkish authorities are granted the right to re-acquire Turkish citizenship afterwards without being subject to the condition of residence.

**Persons who had lost Turkish citizenship because of their parents:** As is seen from the Article 27 of TCL, children may lose their Turkish citizenship because of their parents. In such a case, TCL grants the right to choose acquiring Turkish citizenship to these children within three years from the date on which they become legally adult. Please note that being legally adult shall be evaluated according to the national law of the child. However, if the children do not exercise the right to choose acquiring Turkish citizenship within the said period, TCL gives a second choice to these children. In this regard, they may apply for re-acquiring Turkish citizenship in accordance with Article 13 of TCL rather than making a general application in accordance Article 11 of TCL.

### **3.3.2. With the Condition of Residence**

**Article 14 of TCL:** *“Those whose citizenship has been revoked as per Article 29 of TCL may re-acquire Turkish citizenship by a decision of the Council of Ministers and those who lost citizenship as per Article 34 may re-acquire Turkish citizenship by a decision of the Ministry (of Interior), provided that they have been residing in Turkey for three years and they are not in a situation which poses an obstacle to the national security.”*

**Article 29 of TCL:** *“In case where the official authorities determine that a person acts in the following manners, his/her Turkish citizenship may be revoked by a decision of the Council of Ministers upon the proposal of the Ministry (of Interior).*

- a) *Although the person is informed by Turkish missions in abroad or by provincial public administration in Turkey, to cease to render services, which are incompatible with the interests of Turkey, for a foreign state; but he/she does not voluntarily cease the services within the reasonable time to be granted which cannot be less than 3 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."*

**Article 34 of TCL:** *"(1) Persons, who are in one of the situations below, may renounce Turkish citizenship within three years after they become legally adult.*

- a) *Persons who acquired Turkish citizenship by birth based on the descent of his/her mother or father, and who also acquired foreign citizenship of his/her mother or father by birth or after birth,*
- b) *Persons who acquired Turkish citizenship based on the descent of his/her mother or father, and who also acquired foreign citizenship based on the place of birth,*
- c) *Persons who acquired Turkish citizenship by adoption,*
- ç) *Persons who acquired Turkish citizenship based on the place of birth and who also acquired foreign citizenship of his/her mother or father afterwards,*
- d) *Persons who acquired Turkish citizenship based on the descent of his/her mother or father who also acquired Turkish citizenship in any form whatsoever.*

*(2) If loss of citizenship in accordance with the aforementioned provisions makes the person as stateless, the right to choose shall not be exercised."*

As is stated in Article 14 of TCL, persons whose citizenship was revoked by the Council of Ministers and persons who renounced their Turkish citizenship by way of exercising the right to choose may re-acquire Turkish citizenship as long as they have been residing in Turkey for three years and they are not in a situation which poses an obstacle to the national security, upon the decision of the Council of the Ministers if the citizenship was revoked as per Article 29 or the decision of the Ministry of Interior if the citizenship was renounced as per Article 34.

Moreover, Article 23(1)-g of By-Law regulates that a person, who wishes to re-acquire Turkish citizenship, shall have been residing in Turkey without interruption for three years preceding the date of his/her application.

### 3.4. Acquisition of Citizenship by Marriage

**Article 16 of TCL:** *“(1) Turkish citizenship shall not automatically be acquired by marrying a Turkish citizen. Foreigners who have been married to a Turkish citizen for at least three years and whose marriage still continues may apply for the acquisition of Turkish citizenship. The applicants shall fulfil the conditions mentioned below;*

- a) living within the union of marriage,*
- b) not having acts incompatible with the union of marriage,*
- c) not being in a situation which poses an obstacle to the national security and public order.*

*(2) In case the marriage ends by death of the Turkish spouse after the application, the condition laid down in subparagraph (a) of the first paragraph shall not be required.*

*(3) In case of the declaration of nullity of the marriage, foreigner who acquired Turkish citizenship by marriage shall keep Turkish citizenship provided that he/she was in good faith when he/she got married.”*

**Article 25 of By-Law:** *“(1) Persons, who fulfil the conditions stated in Article 16 of TCL, may apply for the acquisition of Turkish citizenship.*

*(2) Applications shall be examined by the committee of applications<sup>2</sup>. At the end of the examination, if it is understood that,*

- a) the foreigner has not been married for three years,*
- b) the marriage ended due to divorce or death before the date of application or such reasons,*
- c) the foreigner has a pending case initiated against him/her for any crime or he/she is convicted or prisoner on demand,*
- d) the foreigner is not able to submit the required documents;*

*then the application was not accepted and the related notification is served to the person concerned.*

*(3) In case where the spouse of the person who wishes to acquire Turkish citizenship also acquired Turkish citizenship afterwards, calculation of the period of the marriage starts from the date on which the spouse acquired Turkish citizenship.”*

**Article 29 of By-Law:** *“Person who wishes to acquire Turkish citizenship and his/her spouse shall separately and jointly attend interview with the Commission, in order for the investigation on whether or not the marriage is valid or has the purpose of acquiring Turkish citizenship.”*

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<sup>2</sup> Please note that application as per Article 16 of TCL is made to the Citizenship Investigation Commission which is located in cities, which is a first step of the application procedure determined in TCL and By-Law.

**Article 31(2) of By-Law:** *“In case of the declaration of nullity of the marriage, the child shall keep Turkish citizenship irrespective of the good faith of mother and father when they got married.”*

It is understood from Article 16 of TCL that marrying a Turkish citizenship does not automatically grant citizenship. In this regard, all conditions mentioned above shall be fulfilled. Initially, as is seen, marriage shall be valid and legal. Validity of marriage shall be determined in compliance with TCC for the Turkish spouse. On the other hand, marriage for foreign spouse shall be evaluated in accordance with his/her national law.

**Article 124 of TCC:** *“Both man and woman are shall not marry before the age of 17.”*

**Article 14 of By-Law concerning Marriages:** *“Man and woman, who already turned 18, can marry without any consent or permission. Furthermore,*

- a) In case where man and woman turn 17, they can marry with the permission of parent/guardian/competent authority (vesayet makamı),*
- b) in case where man and woman turn 16, they can marry with the permission of the court.*

*However, persons who do not have mental capacity and persons who have not turned 15 yet shall not marry even if they become legally adult through a Court decision.”*

**Article 125 of TCC:** *“Persons who do not have mental capacity shall not marry.”*

Therefore, Turkish citizen shall have the capacity of marriage in terms of mental and age. Moreover, TCC also enumerates absolute impediments to marriage as kinship, existing marriage and mental disease.

In addition to this, marriage shall also comply with the requirement as to form. When the marriage takes place in Turkey, it shall be in compliance with TCC (Article 141-142 of TCC stipulates that marriage shall takes place before the official marriage officer with two witnesses who have mental capacity and through declaring the will of marriage in person). When the marriage takes place in a foreign country, then it shall comply with the laws of that country, as set forth in Article 13 of IPCPL which regulates that requirement of the form of marriage shall be subject to the laws of the country where the marriage takes place.

In this regard, in the event that (i) a foreign citizen marry a Turkish citizen, (ii) marriage is valid in compliance with laws, (iii) they have been married for three years, (iv) marriage continues, (v) foreign spouse does not have acts incompatible with the union of marriage, (vi) he/she is not in a situation which poses an obstacle to the national security and public order; then he/she may acquire Turkish citizenship through a decision of the Ministry of Interior.

Please note that TCL only regulates “the death” as a reason of termination of the marriage, after the application, which does not prevent the foreign spouse from acquiring Turkish citizenship provided that he/she fulfils the other conditions. Therefore, termination of marriage for reasons other than death or termination of marriage due to death of Turkish citizens before the application prevents the foreign spouse from acquiring Turkish citizenship.

In the event that the marriage is declared as null, the foreign spouse loses his/her Turkish citizenship if he/she knew that the marriage was null at that time. In such a case, the spouse automatically loses Turkish citizenship and there is no need for the competent authority to render a decision regarding the loss of citizenship. However, in order to make the nullity of marriage official, the Court shall render a judgment. Once the judgment becomes final, the spouse losses Turkish citizenship at the moment of finalization.

Citizenship of a child born within the union of such a marriage is not affected by the nullity of marriage and therefore he/she does not loss Turkish citizenship.

As Article 25(3) of By-Law regulates, in case where Turkish spouse also acquires Turkish citizenship after birth, 3-year marriage period shall start from the acquisition of Turkish citizenship. If Turkish spouse acquires the citizenship after marriage, then the competent authority will consider that the marriage continues more than three years i.e. for three years after the acquisition of Turkish citizenship.

### **Consequences of Acquisition of Turkish Citizenship through a Decision of the Competent Authority in General**

**Article 20 of TCL:** *“(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 citizenship of spouse. Children, whose guardianship belongs to the mother or the father on the date of the acquisition of Turkish citizenship, shall acquire Turkish citizenship in case where the other spouse gives consent. In case of lack of consent, action shall be taken according to the decision of the Court 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) In case where children, who did not acquire Turkish citizenship with their mother or father on the date of acquisition of Turkish citizenship, apply for the acquisition of Turkish citizenship after they become legally adult; Article 11 applies.”*

#### 4. Acquisition of Citizenship by Adoption

**Article 17 of TCL:** *“A minor child adopted by a Turkish citizen may acquire Turkish citizenship as of the date of adoption, provided that he/she is not in a situation which poses an obstacle to the national security and public order”.*

**Article 32 of By-Law:** *“(1) A foreigner who is adopted by a Turkish citizen and who is minor on the date of application may acquire Turkish citizenship provided that he/she is not in a situation which poses an obstacle to the national security and public order.*

*(2) The adopted person keeps his/her Turkish citizenship in case where the adoption relation between the adopted and adoptive parent terminates after the adopted acquires Turkish citizenship.*

*(3) A foreigner who is adopted by a Turkish citizen and who is legally adult on the date of application shall be subject to Article 15 of By-Law (i.e. Article 11 of TCL- General Application).”*

As regulated by the provisions of TCL and By-Law, in order for an adopted person to acquire Turkish citizenship, he /she shall be minor. In this regard, evaluation of being minor or adult will be in accordance with the national law of the adopted person. Pursuant to Article 18 of IPCPL, being able to adopt and conditions of adoption are subject to each law of the parties at the moment of adoption. Therefore, in the event that the adopted person is an adult according to his/her national law, he/she cannot acquire Turkish citizenship in accordance with Article 17 of TCL. Nevertheless, he/she may apply for the acquisition in accordance with Article 11 of TCL.

**In case where the adopted person is stateless:** Article 4(1)-a of IPCPL states that in cases where applicable law should be determined as per the principle of national law; for stateless persons, law of domicile, in the absence of thereof then law of habitual residence, in the absence of both then the law of the country where he/she resides on the date of lawsuit shall apply unless otherwise stipulated.

**In case where the adopted person has dual citizenship:** Article 4(1)-c of IPCPL states that in cases where applicable law should be determined as per the principle of national law; for persons who has dual citizenship, the law of the state with which he/she is most closely connected shall apply.

In the event that the adoption relation terminates after the acquisition of Turkish citizenship, the adopted person remains to be a Turkish citizen. In the event that the adoptive parent loses Turkish citizenship, the adopted person remains to be a Turkish citizen provided that he/she is an adult.

## 5. Acquisition of Citizenship by way of Exercising the Right to Choose

**Article 21 of TCL:** *“Children, who lost their Turkish citizenship due to their parents as per Article 27 (please see the article on page 9) , may acquire Turkish citizenship by way of exercising the right to choose, provided that they apply for the acquisition within three years from the date on which they become legally adult.*

**Article 22 of TCL:** *“(1) The acquisition of Turkish citizenship by way of exercising the right to choose shall be effective from the date of decision regarding the determination of conditions relating to the exercise of this right.*

*(2) The provisions of Article 20 (please see the article on page 14) shall apply to spouses and children of persons who acquired Turkish citizenship by way of exercising the right to choose.”*

Article 21 of TCL grants the right to choose of acquiring Turkish citizenship not to all foreigners. Foreigners who may exercise the related right are the foreigners who had Turkish citizenship previously, however lost their citizenship due to their parents as per Article 27 of TLC which regulates the renunciation of Turkish citizenship. If these persons wish to re-acquire Turkish citizenship, it is sufficient to declare their wish before the competent authorities. Therefore, they are not required to carry out a legal transaction, provided that they do so within three years from the date on which they become legally adult in accordance with their national law. In the event that these persons do not exercise the right to choose of acquiring Turkish citizenship within three years, then they may acquire the citizenship upon a decision of the Ministry (of Interior) in compliance with Article 13 of TCL which regulates the acquisition of Turkish citizenship without the condition of residence.

Please note that application for the acquisition of citizenship by way of exercising the right to choose is made to the Governor’s Office in Turkey or to the Turkish missions in abroad. The related file of the applicant shall be sent to the Ministry of Interior not for the approval, but for the declaration.

## 6. Acquisition of Citizenship by the Citizens of Turkish Republic of Northern Cyprus

**Article 42 of TCL:** *“(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) Persons, who acquire the citizenship of the Turkish Republic of Northern Cyprus after birth, shall be subject to the condition stated in Article 11 of TCL for the acquisition of Turkish citizenship.”*

**Article 78(1) of By-Law:** *“In case where it is understood at the end of the examination by the Ministry of Interior that the person is a citizen of Turkish Republic of Northern Cyprus, he/she acquires Turkish citizenship upon the decision of the Ministry.”*



**Article 79 of By-Law:** *“Acquisition of Turkish citizenship by the citizens of the Turkish Republic of Northern Cyprus is effective from the date of decision of the Ministry.”*

Please kindly be informed that citizens of the Turkish Republic of Northern Cyprus may acquire Turkish citizenship in an easy way, without being obliged to fulfil many conditions determined in TLC. TLC stipulates only restriction for these persons as being citizens of the Turkish Republic of Northern Cyprus by birth. In the event that persons acquire Turkish Republic of Northern Cyprus citizenship after birth, they shall apply in accordance with Article 11 of TLC which is a general way to acquire citizenship.

If you have any further queries, please do not hesitate to contact us.

Sincerely yours,

Orkun Ağaoglu

