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COUNTRY REPORT: TURKEY

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Revised and updated November 2012



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European University Institute, Florence
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EUDO Citizenship Observatory

Report on Turkey

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Turkey

Zeynep Kadirbeyoglu

1 Introduction

International migration and globalisation are factors which affect citizenship practices throughout the world. This report analyses the citizenship regime in Turkey and argues that the most important changes in the law, including the acceptance of multiple citizenship, were made to accommodate the needs and wishes of the emigrants who — even up to the third generation — maintain vibrant ties to Turkey.

The first citizenship law of Turkey was accepted in 1928. It was based on *ius sanguinis* but was complemented by a territorial understanding. The second citizenship law from 1964 maintained the *ius sanguinis* principle and allowed for *ius soli* to prevent statelessness. As this report outlines, this law was amended many times. These amendments transformed the law into an inconsistent patchwork (Aybay, 2008: 81). In 2009 a new citizenship law, Law No. 5901 – henceforth the Citizenship Law, was legislated in order to eliminate the inconsistencies of the previous law and to respond to current circumstances, such as harmonising the law with the European Convention on Nationality. In the parliamentary debates, the Minister of the Interior stated that the main goal of the new law is to eliminate the inconsistencies of the previous law and to respond to the current circumstances.¹

This report includes a detailed discussion of modes of acquisition and loss according to the 2009 law. The new law eliminates the possibility of withdrawing citizenship from males who have not served in the military and does away with the procedure of exclusion from citizenship which eliminated the possibility for re-naturalisation if a person volunteered to serve in the military of another country without informing the Turkish authorities. The report also discusses the substantive changes to the modes of acquisition of citizenship brought about by the new law.

In Turkish, *uyruklu* and *yurttaşlık* are the two terms that can be used to refer to nationality and citizenship. Furthermore, both these terms have their Arabic counterparts in the daily language – *tabiyet* and *vatandaşlık* respectively (Aybay, 2003:5). *Tabiyet* is no longer frequently used while, according to Aybay (2003), *yurttaşlık* (*vatandaşlık*) and *uyruklu* (*tabiyet*) refer to a legal bond connecting an individual to a state. However, there is a debate about whether these two terms have exactly the same meaning. Aybay argues that the confusion, which is also present in other languages, has historical causes. *Uyruklu* is what can be used to refer to nationality whereas *yurttaşlık/vatandaşlık* is the counterpart of citizenship in Turkish. The name of the law is *Türk Vatandaşlığı Kanunu* and throughout the legal documents citizens of Turkey are referred to as *Türk Vatandaşı*. *Vatandaşlık* cannot be used when referring to legal persons and corporations. In this case *uyruklu* is the appropriate term (Aybay, 2003: 10).

¹ Minister of Interior, Besir Atalay, Parliamentary minutes, 28 May 2009.

2 History of Turkish citizenship law

2.1 From the Ottoman Empire to the founding of the Republic

An analysis of the history of Turkish citizenship should begin with the last period of the Ottoman Empire. Whereas prior to the 1869 Ottoman Citizenship Law (*Tabiyet-i Osmaniye Kanunu*) the subjects of the Ottoman Empire were divided along religious lines, the law of 1869 recognised all residents of the Ottoman territories as nationals of the Empire. It was based on the *ius sanguinis* principle, but allowed for non-Ottoman children born in the Ottoman territories to apply for citizenship in the Empire within three years of reaching adulthood (İçduygu, Çolak & Soyarik 1999; Aybay, 2008).

The first constitution of the Republic of Turkey (1924) regulated citizenship through art. 88 and granted Turkish citizenship to all residents of the Republic irrespective of race or religion. The citizenship law of the Republic was accepted in 1928² and, like its Ottoman predecessor, it was based on *ius sanguinis* and complemented by a territorial understanding (İçduygu et al. 1999: 193). Aybay (2008: 75) argues that behind this decision was the desire to extend Turkish citizenship to as many people as possible.³ For instance, the law automatically granted Turkish citizenship to women who married Turkish men, and expressed that Turkish women married to foreigners would maintain their Turkish citizenship (Aybay, 2008: 75). This duality in the treatment of women can also be explained by the desire of the republic to increase the number of its citizens. However, while attempting to increase the number of citizens, there were also instances where some groups were explicitly excluded from citizenship, examples of which will be discussed in the following paragraphs.

İçduygu et al. (1999: 195) argue that the notion of citizenship was not defined solely in terms of ethnic background since the new Turkish citizenship was ‘open to non-Turkish Muslim groups...so long as they were willing to assimilate culturally and linguistically into the Turkish culture’. However, the analysis of groups that were given the right to settle in Turkey reveals that in practice the ability to enjoy full citizenship rights was related to ethnicity and religion (Kirişçi 2000: 1).

Some groups – especially many minorities such as Armenians and Greek Orthodox – who had left the country during the war of independence and who had not returned since, were excluded from citizenship by a law passed in 1927 (Cagaptay, 2003: 605).⁴ The Statute of Travelling (1933), which regulated the return of Anatolian Christians to Turkey, allowed for the return of only those who left the country possessing a passport issued by the Ankara government and denied return to most Armenians and Greek Orthodox who had left during the Ottoman Empire or who had passports issued by the Allied forces (Cagaptay, 2003: 607).

Exclusion of certain groups from Turkish citizenship went hand in hand with other policies that ended up forcing some groups to leave Turkey. Laws that rendered employment impossible for non-Turkish citizens were examples of this practice. The 1926 Law on Government Employees maintained that only Turkish citizens could be government employees while the 1928 law excluded doctors who were non-Turks from practicing medicine in Turkey. Furthermore, the 1932 law regulating employment banned those who were not Turkish citizens from practicing certain professions (Cagaptay, 2003: 603). Approximately 15,000 Greeks left the country as a result of this law (Cagaptay, 2003: 604) whereas the Belarusians who resided in Turkey and did not possess Turkish citizenship were granted citizenship in 1934 in order to prevent their destitution (Cagaptay, 2003: 611). This

² Law No. 1312/1928: Turkish Citizenship Law.

³ It should be remembered that this took place in the context of sharp declines in the size of the population of Anatolia as a result of the First World War.

⁴ Law No. 1041/1927 on the exclusion of Ottoman subjects from Turkish citizenship.

shows the discretionary practices of inclusion and exclusion in practices of Turkish citizenship.

Another law that determined who was to be included in Turkish citizenship was the Law on Settlement adopted in 1934.⁵ In accordance to this law, Turkey provided refugee and immigrant status to groups such as Muslim Bosnians, Albanians, Circassians, Tatars, etc., but declined to accept the settlement of groups such as Christian Orthodox, Gagauz Turks and Shi'a Azeris. This policy effectively pre-screened those applying for citizenship and helped Sunnis settle in Turkey, in spite of official statements that only those of Turkish descent and culture would be so favoured (Kirişçi 2000).⁶ Cagaptay (2003:612) argues that the special status of Islam in the understanding and practice of citizenship in the new republic is also exemplified by the 1928 law on citizenship that allowed the naturalisation of non-Turkish residents of Turkey with the condition of conversion or adoption of Turkish names (Cagaptay, 2003: 610).⁷ Another article of the same law led to the withdrawal of citizenship from many Armenians, Greek Orthodox and even Kurds because they acquired citizenship of another country without taking permission from the government (Cagaptay, 2003: 606).

At the beginning of the twentieth century, Anatolia (Asia Minor) was a heterogeneous piece of land and was home to Rum (an Orthodox Christian Greek speaking group), Armenian, Kurdish, Jewish, Circassian, Laz and some other ethnic or religious groups. The spread of nationalism from Western Europe, its birthplace, to the Ottoman lands led to conflicts and to the disappearance of heterogeneity by way of the forced migration of Armenians during First World War and the population exchange with Greece in 1923. During the War of Independence there was a clear reference to the multicultural nature of Anatolia. However, after the Sheikh Said uprising of 1925,⁸ there was no longer any reference made to the 'peoples of Turkey' and thus all citizens of Turkey were expected to adopt Turkish identity (Ergil 2000: 125). This was a fabricated umbrella identity and was instituted through education and cultural policies but carried the name of one of the ethnic groups (the Turks). The group which was not willing to identify with this were the Kurds. Their struggle for autonomy, and sometimes secession, led to a battle between the PKK (Kurdistan Workers Party) and the army. At the height of this armed conflict, the President at the time, Suleyman Demirel, began a discussion on constitutional citizenship, which was intended to create a new common identity (İçduygu et al. 1999: 192). These discussions, however, were short-lived and did not lead to any policy changes.

2.2 The impact of Turkish emigration to Western Europe

The constitution of 1961 specified the main principles of Turkish Citizenship Law through art. 54 but did not bring substantial changes to the definition of Turkish citizenship (Aybay, 2008: 76). The law regulating the acquisition and loss of Turkish citizenship was put into effect in 1964, three years after the new constitution.⁹ The law was based on the following principles: that every person should have a citizenship and should only have one citizenship,

⁵ Law No. 2510/1934 on Settlement.

⁶ Sunni Islam, which is considered to be the mainstream, differs from Shi'a Islam.

⁷ Aybay (2008:119) states that there is nothing in the legal documents about the necessity of adopting Turkish names and that there are decisions by the Council of State (the highest administrative court) and the Supreme Court of Appeals that there is no such need. However, this practice is either reinforced by Turkish officials or the applicants who feel they will have a better chance if they change their names.

⁸ The Sheikh Said uprising was one of the first important rebellions against the state. The Sheikh gathered support on the basis of tribal and religious allegiance, and hence the insurgency was not exclusively one of Kurdish nationalism (Robins 1993:660).

⁹ Law No. 403/1964 on Turkish Citizenship.

and that each person should be free to change his or her citizenship (Aybay, 2008: 79). This law has been in effect between 1964 and 2009 albeit with many amendments.¹⁰

The 1960s marks the beginning of the migration of guest-workers to Western Europe from Turkey. In order to understand the economic significance of these emigrants for Turkey, we should first examine the initial goals of the process of labour force exportation to Western European countries. According to Sayarı (1986) the main goals included fighting the rising unemployment within Turkey and bolstering foreign exchange reserves in order to cover trade deficits. A secondary goal was to increase the skill level of workers who would, then, through remittances, be able to increase the level of investment in small and medium sized companies in the emigrants' home towns in Turkey (Sayarı 1986). The remittances were very important for Turkey. During the 1980s, 24 per cent of Turkey's imports were covered by the cash remittances and foreign exchange deposits of Turkish workers abroad (Kumcu 1989).

Germany was the main destination for guest-workers from Turkey. Turkish workers in Germany were encouraged to maintain their ties to Turkey and not to undergo 'Germanisation'¹¹ so that a constant flow of remittances could be guaranteed (Hunn 2001). Migrants were encouraged to remit their savings by means of special interest rates given to foreign currency saving accounts in Turkey and by certain privileges that were extended to emigrants who wished to import goods to Turkey (Sayarı 1986). Lately, in addition to remittances, direct investments by the second generation of Turkish emigrants, especially in the textiles industry, are increasing in importance (Faist 1998: 213). In addition to the economic investment, it is expected that Turkey will enjoy political benefits thanks to the migrants living in Western Europe. The lobbying potential of migrants living in European countries has been seen as an asset by governments in Turkey.¹²

The realisation that Turkish workers are not temporary guests in their host countries has led to significant amendments to the citizenship law in Turkey. The motives of politicians and bureaucrats have been shaped by the demands of emigrants who faced problems related to military service, property ownership, and lack of political rights in their countries of immigration. A fairly organised and quasi-official process was used to communicate the needs of citizens living abroad to the Turkish officials.

The first amendment to the previous law took place in 1981 and legalised dual citizenship as long as the person acquiring a second citizenship informed the government (Keyman & İçduygu 2003); otherwise public authorities could withdraw his or her Turkish citizenship. Furthermore, the amendment initiated gender equality in the transfer of citizenship to children; as a result women could also transfer their citizenship to their children through *ius sanguinis*.

The change in art. 23/III of the Citizenship Law made it possible to release individuals from Turkish citizenship if they wished to acquire another country's citizenship.¹³ In the following years, many individuals who acquired a new citizenship reacquired their Turkish citizenship immediately after renouncing it. This was supported and encouraged by Turkish authorities and embassies. This method of circumventing German Citizenship Law – which prohibits dual citizenship – was legally possible only until 2000. The pre-2000 law maintained only that the person naturalising in Germany should not have another citizenship. Yet, the new law made it possible for German officials to withdraw German citizenship from those who had taken up another citizenship following their naturalisation in Germany – hence

¹⁰ The constitution of Turkey was re-drafted by the military regime in 1982. The new constitution maintained the basic principles on the acquisition and loss of citizenship (art. 66) that were outlined in the constitution of 1961.

¹¹ Turkish authorities advised emigrants not to lose their socio-cultural identity and to maintain ties with Turkey. 'Germanisation', according to this perspective, would distance emigrants from Turkey.

¹² Parliamentary Minutes, 7 June 1995, Period 19, Legislative Year 4, Volume 88, 89-109.

¹³ Law No. 2383/1981 on Turkish Citizenship.

those who had become dual citizens ‘illegally’.¹⁴ Based on this clause, the German Government declared that 48,000 people of Turkish origin who had naturalised in Germany since 2000 had lost their German citizenship because they had become ‘illegal dual citizens’.¹⁵ These people were to have their German citizenship withdrawn but could stay in Germany as permanent residents and reapply for naturalisation there provided they were willing to renounce their Turkish citizenship.¹⁶

This did not have a significant impact on the public debate in Turkey but was strongly opposed by Turkish associations in Germany. These associations blamed the Turkish government for not responding despite having encouraged these 48,000 people to reacquire Turkish citizenship. Even though the spokesperson for the German Ministry of the Interior claimed that they had compiled a list of those who were ‘illegal’ dual citizens from the records collected at borders and in government offices, there were claims that the Turkish authorities had submitted the list because of threats that their EU application process would not be supported.¹⁷ There is evidence that the German regional authorities have been contacting those they suspect of holding two passports by mail and asking them whether they had acquired a second citizenship.

The above mentioned 1981 amendment to the citizenship law was debated in a secret session by the National Security Council because it was initiated by the Ulusu Government, which was established following the military coup.¹⁸ In addition to legalizing multiple citizenship, the amendment facilitated the processes for stripping individuals of their citizenship.¹⁹ The clause added to the law stated that those who are outside the borders of Turkey and who have been charged with endangering the internal or external security of the country will have their Turkish citizenship withdrawn unless they return within three months during regular periods and one month under emergency rule (art. 25/g).²⁰ Following the 1980 military coup, 227 people had their Turkish citizenship withdrawn by means of this clause. However, in February 1992, the Parliament removed this clause after hearing arguments that the clause had permitted a violation of human rights.²¹ Those who wished were able to reacquire their citizenship and to have their property reinstated or receive compensation for the value of confiscated property.²²

Parliamentary debates on issues of citizenship and/or problems of Turkish citizens living abroad have not been restricted to amendments of the laws pertaining to citizenship. The events in Solingen, where five Turkish emigrants died as a result of an arson attack on

¹⁴ German Citizenship Law, art. 25. The only exceptions to the strict ban on dual citizenship are for those who have a second passport from a European Union country and for those who have applied for permission.

¹⁵ Y. Özdemir (2005), ‘Ankara-Berlin Kışkacında: Çifte Vatandaşlık Gerçeği’ [Caught between Ankara and Berlin: the Truth about Dual Citizenship], *Evensel* [daily newspaper], 26 January 2005. This move came at a critical juncture in German politics whereby expelling these citizens impacted on the number of voters. According to one estimate, approximately 20,000 out of 600,000 German-Turkish voters were disenfranchised in the general elections of 2005 (*Deutsche Welle*, 17 September 2005, www.dw-world.de).

¹⁶ *Radikal* [daily newspaper], 11 February 2005.

¹⁷ Y. Özdemir (2005), ‘Ankara-Berlin Kışkacında: Çifte Vatandaşlık Gerçeği’ [Caught between Ankara and Berlin: the Truth about Dual Citizenship], *Evensel* [daily newspaper], 26 January 2005.

¹⁸ After the military coup Bülend Ulusu was given the responsibility of forming a technocratic government (www.tbmm.gov.tr). Until the Advisory Council was formed the National Security Council (NSC) sanctioned all decisions of the government. The members of the NSC were the four generals and one admiral who staged the coup. The minutes of the 13 February 1981 meeting of the National Security Council (38th Meeting, Volume 1, 1981) indicate that the members of the Council voted in favour of debating all amendments related to Turkish Citizenship Law in a secret session. The debate lasted for approximately two hours.

¹⁹ *Cumhuriyet*, 15 February 1981.

²⁰ Law No. 2383/1981 amending Law No. 403/1964 on Turkish Citizenship.

²¹ Law No. 3808/1992 amending Law No. 2383/1981. In between these two amendments there is Law No. 3540/1989, which amended two articles of the law regulating the process of acquisition of Turkish citizenship.

²² Parliamentary Minutes, 27 May 1992, Period 19, Legislative Year 1, Volume 12, 53-55.

their house, were debated in the Turkish Parliament on 8 June 1993. During these debates, the ANAP (centre right party) group spokesperson emphasised the importance of migrants to have the right to vote in Germany – which can only happen through naturalisation. He claimed that there are individuals who, despite having lived in Germany for the last 30 years, are still denied the right to vote. According to this argument, the right to vote is the key to finding a long-term solution to the problems faced by Turkish persons residing in Germany. He claimed that under the current circumstances dual citizenship rights were of greater importance and the Turkish Government ought to propose that Germany put this issue on its agenda.²³

The SHP (centre left party) group spokesperson claimed that in addition to the security aspects surrounding the Solingen events, political and legal issues should also be debated. He stated that obtaining equal rights in the political, economic and social spheres by obtaining German citizenship would not automatically prevent these attacks, but that extreme right parties would be more cautious about taking an anti-immigration stance as immigrants would form part of the electorate. His argument was that as long as Germany banned dual citizenship, the goal of the Turkish State should be to encourage emigrants to naturalise in Germany while maintaining their rights in Turkey.²⁴

Following this logic, the amendment to the Turkish Citizenship Law in 1995 instituted what is known as the ‘pink card’ or the privileged non-citizen status.²⁵ In its statement giving reasons for this amendment, the government stressed the fact that it was a result, among other factors, of the actions of countries that refused to accept multiple citizenship.

The proposal for this amendment was drafted by Rona Aybay (a prominent law professor specialising on citizenship issues) after he had attended meetings in Germany at the invitation of the Hamburg branch of the *Türkische Gemeinde in Deutschland* (TGD) (Turkish Community in Germany).²⁶ Once accepted in 1995, the amendment created a privileged non-citizen status. This status permits holders of a pink card²⁷ to reside, to acquire property, to be eligible for inheritance, to operate businesses and to work in Turkey like any citizen of Turkey. Pink card holders were only denied the right to vote in local and national elections.²⁸ Aybay states that the head of the TGD, Hakkı Keskin, a very old friend of his, invited him to find a solution to citizenship-related problems faced by Turkish people living in Germany.²⁹ He makes it quite clear that the main issue was how to devise a mechanism that would allow people living in Germany to acquire German citizenship without losing their rights in Turkey.³⁰ This was the motivation behind the creation of the special non-citizen status.³¹

During the parliamentary debates on this amendment, the spokesperson of the ANAP group argued that this law was what all factions of Turkish emigrants in Germany had been demanding for years. He claimed that these emigrants wanted to have political rights in Germany and that this amendment would ease their difficulties in acquiring German citizenship. He also mentioned that Turkish emigrants would become a key electoral group in

²³ Parliamentary Minutes, 8 June 1993, Period 19, Legislative Year 2, Volume 36, 189-192.

²⁴ Ibid., 203-206.

²⁵ Law No. 4112/1995 amending Law No. 403/1964 on Turkish Citizenship.

²⁶ The Turkish Immigrants Union (later to become *Almanya Türk Toplumunu - Türkische Gemeinde in Deutschland* TGD) was established in 1985. It is an umbrella association with around 200 members, including the German Turkish Academics Association Union, German Turkish Students Association Union and various occupational organisations. TGD promotes the interests of the Turkish population of Germany vis-à-vis both the German and the Turkish governments, attempts to influence public opinion, and to secure rights through legislative changes (www.tgd.de/).

²⁷ The pink card is the document given to the people who have the special non-citizen status.

²⁸ Law No. 4112/1995 amending Law No. 403/1964 on Turkish Citizenship.

²⁹ Interview with Prof. Rona Aybay, 20 August 2002.

³⁰ People who have acquired Turkish citizenship by means other than birth do not have the right to a pink card.

³¹ Parliamentary Minutes, 8 June 1993, Period 19, Legislative Year 2, Volume 36, 203-206.

Germany, with some influence in the tight electoral competition between the two major parties.³² Another MP emphasised the benefits of this amendment by referring to the possibility of Turkish people becoming elected representatives in Germany and, therefore, politically strengthening the position of Turkey.³³

Some MPs raised their concern as to whether this amendment would enable the ‘Armenians, Jews, Rum, etc.’³⁴ (who had renounced their Turkish citizenship in order to acquire another citizenship) to come back to Turkey and reclaim property that had been confiscated when they changed their citizenship. This is telling in that it demonstrates that the tolerance for dual citizenship and special rights for those who had renounced their citizenship was intended to apply exclusively to Turkish emigrants who had left the country under specific conditions; the amendment was never intended to include the minorities who left Turkey before 1981, and explicitly stated that the privileged non-citizen status would apply only to those who had acquired Turkish citizenship by birth and who had relinquished it by being granted permission by the Council of Ministers.³⁵ This way of renouncing Turkish citizenship was made possible only after the amendments to the citizenship law in 1981.

Despite good intentions, the special non-citizen status was criticised by groups who were dissatisfied with its implementation. The TGD organised a summit in July 2000 and produced a declaration pertaining to the problems and expectations of the Turkish citizens living in Germany. The declaration stated that there were many problems in the practical use of the pink card in Turkey as the bureaucracy was not informed about it. Therefore, people who had renounced their Turkish citizenship were facing problems in their interactions with the bureaucracy in Turkey.

During the same summit there was a call for Turkey to stop releasing its citizens and to make it impossible for Turkish citizens to renounce their citizenship through a new legislation. This would enable Turkish citizens to enjoy dual citizenship through an exception in the new German Law which states that in cases where the country of origin does not permit its citizens to relinquish their original citizenship, Germany might allow dual citizenship. This instance shows how the demands of immigrant organisations have changed depending on the situation in Germany.

The last amendment to the previous citizenship law³⁶ in 2004 clarified the rights attached to the status of privileged non-citizens. It allows the retention of attained social security rights to those who asked to be released from citizenship and their non-adult children while it clearly states that these people lose their voting rights, the right to be elected and employed in the public sector. The pink card which these privileged non-citizens received was re-named to become the blue card.

3 The current citizenship regime

3.1 Modes of acquisition and loss of Turkish citizenship

According to art. 66 of the 1982 constitution, children of fathers and mothers who are Turkish citizens are Turkish citizens themselves. Whereas the principle of gender equality was

³² Parliamentary Minutes, 7 June 1995, Period 19, Legislative Year 4, Volume 88, 89-90.

³³ *Ibid.*, 96.

³⁴ Speaker of the RP (*Refah Partisi* - religious right wing party) group (Parliamentary Minutes, 7 June 1995, Period 19, Legislative Year 4, Volume 88, 103). Many other MPs voiced their concern on this issue as well.

³⁵ Art. 29 of Law No. 4112/1995 amending Law No. 403/1964 on Turkish Citizenship. This provision is against the principle of non-discrimination between citizens by birth and by naturalisation incorporated in the 1997 European Convention on Nationality. Turkey has not signed this Convention.

³⁶ Law No. 5203/2004 amending Law No. 403/1964 on Turkish Citizenship.

introduced in the constitution with the amendments of 2001, the previous citizenship law had already instituted it in 1981. The constitution stipulates that the acquisition or loss of Turkish citizenship can only be regulated by the law. The law currently regulating the acquisition and loss of Turkish citizenship was put into effect in 2009.³⁷ This law is implemented through the Regulation on the Implementation of the Turkish Citizenship Law (henceforth the Regulation). There are three broad principles through which Turkish citizenship can be acquired or lost: change of status can be brought about *ex lege*, by a decision of the authorities and through option.

(a) *Ex lege acquisition of citizenship*

The acquisition of citizenship for children of Turkish mothers or fathers is automatic whether the child is born in Turkey or abroad. The *ex lege* acquisition rule is based on *ius sanguinis*. However, there is an *ius soli* exception for children of non-Turkish citizens born in Turkey. They become Turkish citizens automatically if they cannot acquire the citizenship of their parents. This emanates from the principle of avoiding statelessness engrained in the Turkish Citizenship Law.³⁸ Since the 2003 amendments to the previous law, marriage with Turkish citizens does not automatically transfer citizenship. There is a waiting period of three years after which the spouse can acquire Turkish citizenship by option.³⁹ However, those who lose their original citizenship due to marriage, automatically become Turkish citizens.

Based on statistics on *ex lege* acquisition through marriage, it is possible to conclude that following the disintegration of the Soviet Bloc, there has been a steady rise in the number of women who acquired Turkish citizenship through spousal transfer. Consequently, the 2003 change of the previous law on spousal transfer of citizenship led to a sharp decline in numbers in the following year. The numbers doubled in 2005 and increased steadily in the years thereafter.

Acquisition of citizenship through the decision of authorities

There are four types of acquisition that fall under this category. The first is the regular mechanism through which naturalisation takes place and it is regulated by art. 10 of the Citizenship Law. The discretionary nature of naturalisation, despite the fulfilment of all the requirements outlined below, is upheld by Council of State decision stating that discretion is justified through state sovereignty (Aybay, 2008: 121). If the applicant's demand for citizenship is refused, then the applicant can appeal in court.

The webpage of the NVI contains information on the conditions, application forms and frequently asked questions about naturalisation. The documents that should be provided are written on the reverse of the application form which can be downloaded from the forms page. The web page also has an application status check page. The applicant can check the status of the application process through this web page or through contacting public relations department of the NVI.

The governors' offices in provinces also have web pages that may contain information on naturalisation (see for instance <http://www.istanbul.gov.tr/?pid=13804> for the document list of Istanbul Governor's Office). The requirements are written in simplified language on all web pages containing information. However, sometimes interpretation of conditions may not

³⁷ Law No. 5901/2009 on Turkish Citizenship.

³⁸ In order to avoid statelessness, children who are found in Turkey without parents are considered to be born in Turkey (unless proven otherwise) and granted Turkish citizenship.

³⁹ Turkish citizenship is extended to children of women who marry a Turkish citizen, if the child's father is dead, unknown or stateless or if the mother has custody over the child.

be as simple as the wording suggests. For instance, in order to understand what uninterrupted residence duration of 5 years means the applicant needs to have read the Regulation.

The application forms are available online on the web page of NVI and can be downloaded. However, online submission of application forms is not possible. The forms can also be found in the governor's offices in provinces. The usual procedure is that a person willing to naturalise goes first to the Provincial Police Headquarter and gets a document showing the entry and exit dates to Turkey and the calculation of residence duration. If the duration of uninterrupted residence exceeds 5 years then the person can apply for naturalisation by filling in the form in the governor's office – more specifically in the Provincial Directorate of Civil Registration. Article 15 of the Regulation stipulates that the applicant should fulfill the following conditions in order to apply for naturalisation and become a citizen upon the decision of the Ministry:

- to be an adult according to the law of the applicant's home country or according to the Turkish Civil Code if the applicant is stateless.
- to have an uninterrupted residence in Turkey for 5 years.
- to demonstrate the intention to settle in Turkey by acquiring real estate, by setting up a business, by investing, by transferring his/her office to Turkey, to be employed in Turkey.
- by acquiring a work permit or similar document or by being married to a Turkish citizen.
- by applying for naturalisation as a family, to have family members who have already naturalised in Turkey or to have completed his/her education in Turkey.
- not to have a disease that can threaten public health.
- to behave responsibly in society, to garner trust and not to have any bad habits that can go against the values of society.
- to speak enough Turkish to get by in atur life.
- to have a job or revenue to support himself/herself and dependents.
- not to be in a situation to threaten national security and public order.

Citizens of some countries who would like to naturalise may be asked to relinquish their previous citizenship in addition to fulfilling the conditions stated above. The council of ministers is in charge of determining the list of countries whose citizens will have to relinquish their previous citizenship. If the application is approved then the applicant needs to provide a document at the last stage proving that they have relinquished their previous citizenship.

Applicants are required to submit the following documentation:

- the application form for ordinary naturalisation.
- a certified translation of a passport or other document showing the country of citizenship of the applicant. If the applicant is stateless then the certified Turkish translation of a properly approved document should be provided.⁴⁰
- a certified translation of a birth certificate or civil registry document that displays the applicant's identity information. If the person is married, a civil registration document (family civil registration document) or a similar document proving the family connection of his/her spouse and children.

⁴⁰ If the applicant has multiple citizenship then upon a research carried out by the Ministry the country with which the applicant has the strongest ties will be considered the country of citizenship of the applicant (article 64 of the Regulation).

- for children who are under the custody of a mother or a father and who will apply for naturalization along with the applicant, a consent document from the other parent is required. This consent letter should be certified or be written in the presence of authorities if in Turkey or in embassies/consulates if abroad. If the consent document is prepared by the authorities of a country other than Turkey, then a certified Turkish translation is required.
- a certified translation of civil status, if single: a document showing the applicant is single. If married: a marriage certificate. If divorced: a divorce document. If widowed: marriage certificate and death certificate of the husband.
- a health document, the principles and procedures of which are determined by the Ministry of Health indicating that the person is free from any disease constituting a threat to public health.⁴¹
- a work permit, tax number or another document proving that the applicant has a job or revenue to support him/her and dependents.
- a document from Provincial Police Headquarters showing the entry and exit records of the applicant and residence calculation showing that the applicant has resided in Turkey for at least 5 years.
- a residence permit for at least the next 6 months from the date of application.⁴² If a person's residence permit expires during the process, then he/she is required to send a renewed residence permit. This is the only document that may necessitate an update during the process.
- a copy of the court ruling if the applicant has been found guilty of a crime.⁴³
- a receipt showing that the application fee has been paid – the application fee for ordinary naturalisation is 100 Turkish Lira.⁴⁴
- If the applicant has first or second degree relatives who are citizens of Turkey then the folder should include a document of the registry of the relatives.

Although a language proficiency document is not required according to the Regulation, the list of documents on the reverse of the application form and on the Istanbul governorate web page⁴⁵ states that the applicant should submit a document from the Directorate of National Education showing that he or she can speak enough Turkish to get by in daily life or a document showing that the person is learning Turkish in a Ministry of National Education affiliated institution. In practice, however, the level of language proficiency of the applicant is evaluated only during the interview by the commission. Therefore, the application form and the Istanbul governor's web page include misleading information.

According to article 39 of the Regulation, applicants who are stateless, those who cannot procure the necessary documentation or those whose country of citizenship cannot provide the necessary documentation can notify the governor's office which then communicates this to the Ministry. Following the response of the Ministry the applicant may be asked to submit the information in writing. If the applicant is found to have submitted false

⁴¹ In practice the Ministry of Health has not yet published the details of what a report should entail. Therefore, any health report acquired in state hospitals is accepted.

⁴² The reverse of the application form states that the duration of the residence permit should be at least 6 months from the date of application. The information on the Istanbul Governorate web page indicates that this should be 3 months. The Regulation stipulates that the duration of the residence permit should be enough to allow for the application to be processed and decided.

⁴³ The applicant is not required to submit criminal records from her or his home country or from third countries.

⁴⁴ The amount of the application fee is written in the Circular 2009/10 – 03/08/2009. Each family member has to file a separate application and there are no family or group discounts for ordinary naturalisation.

⁴⁵ <http://www.istanbul.gov.tr/?pid=13804> accessed on 10 July 2012.

information then the acquisition of citizenship will be cancelled. There is an exemption of fee for those without income – although this is rarely the case for ordinary naturalisation cases since one of the conditions is that the applicant has the revenue to support him/her and the dependents.⁴⁶

The naturalisation process is discretionary. Hence, an applicant who fulfills all the conditions and has submitted all documents can be refused access to citizenship. The rejection has to be based on an article of the Law or the Regulation. Especially the conditions c (intention to settle), e (accommodating to the values of society) and h (national security) can be interpreted in a discretionary way. The discretionary nature of naturalisation, despite the fulfillment of all the conditions, is upheld by a Council of State decision stating that discretion is justified by reference to state sovereignty (Aybay, 2008: 121) and is clearly stated on the web page of NVI as well.

Citizenship applications are made to the governor's office where the applicant resides or to the embassies if the applicant resides abroad. However, since a residence permit is required in the case of ordinary naturalisation procedures, the application authority is the governor's office. The department in charge of receiving and checking whether all documents are present is the Directorate of Civil Registration in each province operating within the governor's office. However, first the applicant goes to the Provincial Police Headquarters which checks the date when the applicant arrived in Turkey, the category of residence permit, the residence duration, whether the person went abroad during the relevant residence period and the dates of entry and exit. If applicants fulfill the uninterrupted residence of 5 years they can fill in the forms for application and submit the documents required for application. Once the application is made to the governor's office, Article 18 of the Citizenship Law stipulates that the Citizenship Application Examination Commission (henceforth the Commission) formed in each province determines whether the applicant meets the conditions for application. The formation and working principles of the Commission are determined by the Regulation.

Article 16 of the Regulation states that the governor's office carries out a preliminary check of the applicant's file and rejects applications of those who are not an adult, who have not completed five years of uninterrupted residence⁴⁷ in Turkey, who have resided in Turkey without a residence permit or those who have a residence permit but have not shown an intention to settle in Turkey (such as those who have a residence permit as students, as accompanying parent of a child receiving education, as a person receiving medical treatment in Turkey and those who have made asylum application), who have been convicted of a crime or who is being tried from a crime and those who cannot submit the documents mentioned in article 17 of the Regulation. The decision to reject the application is sent in writing to the applicant.

Article 19 of the Citizenship Law states that the governor's office puts together a citizenship application file for those who satisfy the conditions for application. The

⁴⁶ Although personal communication with the director of Civil Registry and Population in Ankara revealed that this exemption is rarely or never practiced, it could be that the person has a profession which he/she can put to use upon naturalisation – such as being a medical doctor – and therefore may lack sufficient income and funds prior to naturalisation.

⁴⁷ For residence to be considered uninterrupted the person should have a valid residence permit for the entire duration of residence and should not stay abroad for more than six months in total. If the person did not stay abroad for more than 6 months then this period is counted towards the residence duration of 5 years (article 71 of the Regulation). The same article of the Regulation stipulates that if there is a change in the status of residence of those who have a residence permit as students, as accompanying parent of a child receiving education, as a person receiving medical treatment in Turkey and those who have made asylum application, and they received a work permit or regular residence permit then the previous residence is counted towards the 5 years. Those who have resided in Turkey with a tourist visa are excluded from this opportunity.

application is examined by the Commission⁴⁸ which is chaired by the governor or vice-governor, and has a representative from the provincial branches of the following institutions: Civil Registration and Nationality, Police Headquarter, Gendarmerie, Directorate of Education, Directorate of Social Work and representatives from other institutions if the chair of the commission sees necessary. The governor's office determines how often the commission meets depending on the number of applications but the commission meets at the latest 15 days after the application. The commission examines the documents of the applicant and determines whether the person fulfills the conditions for application and carries out an interview with the applicant.⁴⁹ The interview is intended to check whether the applicant is of Turkish descent, whether he/she can speak Turkish, how he/she makes a living, whether he/she accepts Turkey's constitutional order and social life. The commission's comments are written on the application form. If the commission considers it necessary an inquiry of the applicant can be carried out by public authorities (the police in urban areas and gendarmerie in rural areas). The Provincial Police Headquarters is requested to check whether the applicant presents a threat to national security and public order and whether he/she has good morals.⁵⁰ The information received from the Police Headquarters is written on the form. The commission's comments and the results of the police inquiry are sent to the General Directorate in the Ministry in Ankara.

The General Directorate carries out the procedures for the acquisition of Turkish citizenship. Once the documents are checked at the General Directorate – which is the second but more thorough check of the documents, a request is sent to the Turkish National Police and National Intelligence Organisation for the security archive check. Applicants who have been sentenced to prison for more than 6 months are not granted citizenship.⁵¹

The decision to grant citizenship or reject a naturalisation application is made by the NVI, hence the Ministry. The governor's office where the applicant had submitted the application is notified by the Ministry once the decision is made and they communicate the decision to the applicant. According to article 20 of the Citizenship Law, the person is considered a Turkish citizen once the Ministry accepts the application. There is no citizenship ceremony.

The fee for ordinary naturalisation is 100 Turkish Liras (TL)⁵² and there are no exemptions except for those who do not have any income or the means to support themselves. However, since one of the requirements of application is to prove that the person can support himself/herself and dependents, this exemption is rarely or never necessary. As the director of Civil Registration and Nationality indicated during an interview, the condition for sufficient income should be interpreted in the large sense as to whether the person can find a job to make a living following naturalisation. Additional costs are incurred for translation and certification of documents such as passports, birth certificates and the like. For instance certification of a passport costs around 60TL. Translation of passport, birth certificate and civil status document, for instance, costs around 45TL. Therefore, translation and certification of the documents of an application file costs around 350-400TL.⁵³

There is no official time limit for the application process but the ministry has adopted ISO (International Standards Organisation) 9001 standards of operation. A complete file that does not have delays during the security check is processed on average in 4 months. The

⁴⁸ Article 69 of the Regulation.

⁴⁹ Article 19 of the Regulation determines the duties of the Commission.

⁵⁰ Article 18 of the Regulation.

⁵¹ Article 72 of the Regulation.

⁵² 1 Euro is approximately 2.22TL (July 2012). Therefore, 100TL is about 45 Euros.

⁵³ These estimates are for translation from English valid for July 2012. Costs may vary according to the language and according to the length of the document.

ministry processes the applications in no more than 6 months once it reaches them. However, security checks or missing documents can extend the process to 1 year. In order to gain speed in the delivery of documents and files to NVI from the governor's offices, the Ministry has devised an electronic citizenship system which allows authorities in the governor's offices to fill up forms online and send documents via the online system to the Ministry.

The applicants who receive a rejection are notified in writing and they can appeal to the court within 60 days after the decision. The appeal is made to the administrative court in Ankara since the Ministry is in Ankara. The appeal can challenge the decision and the justification for the decision. If the court decides that the decision was not justified it can decide to annul the decision of the Ministry. The Ministry can then appeal to the 10th Chamber of the Council of State (Danıştay 10. Hukuk Dairesi) for the annulment of the court decision. If the Council of State upholds the decision of the administrative court then the rejection decision is annulled and the person's file proceeds to the following step which is the approval of the Ministry. An examination of the decisions of the Council of State reveals that in cases where the discretionary powers of the Ministry is challenged, the Council of State has decided to annul the decision of the administrative court, hence approving the Ministry's rejection of the application. An example is the case of a Jordanian citizen who studied in Turkey for his/her bachelor's degree and who has a Turkish citizen spouse and children. The Ministry decided that the person presents a threat to national security and rejected the application. The applicant went to the administrative court and won the case because the court decided that the decision to reject was based on rumor rather than documents. However, the Council of State overturned the decision of the administrative court stating that there is no procurement in the law which states that the person should be granted citizenship upon satisfying all the conditions and that the discretionary powers of the Ministry are established in order to protect national security.⁵⁴

The second mechanism, exceptional acquisition (art. 12), is possible for those who have or will serve Turkey in the fields of science, technology, economics, sports, arts or those who invest in Turkey as long as they do not threaten national security. These individuals can be naturalised without having to fulfil the residency requirement. Their application is accepted upon the proposal of the Ministry and the decision of the Council of Ministers. In other words, this is an achievement-based acquisition of citizenship. Those who are accepted as immigrants to Turkey can also benefit from this type of naturalisation as long as they are legally recognised as immigrants. In the previous citizenship law those who were of Turkish origin could naturalise exceptionally without having to complete five years of residence in Turkey. The 2009 law on citizenship has a temporary article which states that the residency requirement for those of Turkish origin will be two years until 2010 and will increase to five years thereafter. The rationale behind this is to eliminate discrimination against those who do not have Turkish origins in the naturalisation procedures. In line with non-discrimination principles, the new law does not include those with Turkish origin among those who can naturalise exceptionally but includes those who are recognised as immigrants (art. 12/c). However, the new law on settlement (2006) accepts as immigrants only those who have Turkish origin and close links to Turkish culture. Immigrants to Turkey can be naturalised exceptionally without having to wait for five years once their immigration procedures have been completed.⁵⁵ This seems to allow for indirect positive discrimination in favour of applicants of Turkish origin even with the new law in place. The status of citizens from the Turkish Republic of Northern Cyprus has not been changed by the 2009 law. If they apply for

⁵⁴ 10th Chamber of Council of State, Matter No. 1996/2993, Decision No. 1997/4168, Decision date: 06.11.1997. The decisions of the courts are available from the web page of the NVI.

⁵⁵ Law No. 5543/2006 Art. 3/d and 8/4.

citizenship, they have the right to acquire Turkish citizenship without the requirements for regular naturalisation.

The third path of acquisition of citizenship is reacquisition of Turkish citizenship without residency requirement (art. 13) and applies to all those who had asked to be released from citizenship and those who did not benefit from their right to choose when they lost their Turkish citizenship as a result of their parents losing their citizenship. The fourth type of acquisition through the decision of authorities is reacquisition of Turkish citizenship with a residency requirement of three years (art. 14) and applies to those who had their citizenship withdrawn according to art. 29 or those who lost it according to art. 34. Both mechanisms require that the person to re-acquire Turkish citizenship not be a threat to national security.

In general the citizenship of the spouse is not affected by the naturalisation of the partner. The only exception is stateless women, who acquire Turkish citizenship following the naturalisation of their husband. The child whose father naturalises in Turkey acquires Turkish citizenship through his or her father. The child whose mother naturalises in Turkey acquires citizenship (their original citizenship law permitting) if the father of the children is dead, unknown or stateless, if the child is stateless or if the custody is with the mother.

The statistics provided by the General Directorate of Population and Citizenship reveal that in the category of regular acquisition by a decision of the authorities, in 1991, 60 per cent were expellees from Greece whereas 9 per cent were Iranian citizens. Between 2000 and 2003 approximately 50 per cent of those in this same category were Bulgarians. Between 1990 and 1993 the majority of those who acquired Turkish citizenship on exceptional grounds had previously held Iraqi citizenship (31 per cent for 1990, 32 for 1991, 23 for 1992 and 34 per cent for 1993). The largest group within this category were Bulgarians (they constituted 82 per cent of the total exceptional acquisition in 2002 and 84 per cent in 2003).

(b) Acquisition of citizenship through option

Children who lost their Turkish citizenship when their parents renounced their citizenship can choose to reacquire their citizenship within three years of reaching adulthood.

(c) Loss of citizenship ex lege

This is valid only for women who wish, upon marriage, to automatically receive the foreign citizenship of their husband. Although Turkish citizenship law calls this a loss by law, it is in fact an optional loss since it occurs only if there is a declaration by the individual to the relevant authorities.

(d) Loss of citizenship through a decision of the authorities

The first method through which Turkish citizenship can be lost is to renounce it (i.e. to ask for a permission to exit). This path of loss is mostly used by citizens who wish to naturalise in countries that do not accept dual citizenship. The release from citizenship may be granted by the Ministry of the Interior by declaration if certain conditions are satisfied. The procedures do not permit renunciation if it results in statelessness. The person who renounced citizenship can re-acquire Turkish citizenship without having to comply with the five year residency requirement.

Statistics on loss of citizenship for those who have subsequently reacquired their Turkish citizenship are given in Table 1. Up until 2002 individuals who renounced their Turkish citizenship could easily reacquire their original citizenship following naturalisation in Germany. However, the realisation that the new German law leads to nullification of their

German citizenship if it is discovered that they have reacquired their original citizenship has led to a sharp drop in the number of individuals who reacquired Turkish citizenship thereafter.

Table 1 Previous loss of citizenship by those who have reacquired Turkish citizenship according to three main categories, 2000-2004

Reason for Loss	2000	2001	2002	2003	2004
Permission to exit	12,635	27,576	8,027	2,874	1,828

Source

e: General Directorate of Population and Citizenship, Ankara

The second method of loss of citizenship is the nullification of Turkish citizenship for people who have acquired it in the last five years and who have submitted false information in their application.

The third method is the withdrawal of Turkish citizenship from individuals because of specific actions, such as:

- working against the interests of Turkey in a foreign country despite warnings;
- working for a foreign state which is at war with Turkey;
- serving voluntarily in the military of another state without informing Turkish authorities.

The most important change of the 2009 Citizenship Law regards the withdrawal of citizenship from males who have not served in the military and those citizens who acquired another country's citizenship without informing the authorities. In the previous law, these were punishable by withdrawal of Turkish citizenship. The new law eliminates this possibility.

Within the group of people who lost their Turkish citizenship between 2000 and 2005 there is no case of loss resulting from failure to reside in the country during the preceding seven years. The majority of people whose citizenship was withdrawn were those who did not return to the country to fulfil their military service despite being called up by the authorities – for instance, out of 1,920 people who lost their Turkish citizenship in 2000, 1,868 were in this category. This figure is 2,689 out of 2,735 in 2001, 2,193 out of 2,316 in 2002, 5,077 out of 5,489 in 2003, 1,975 out of 2,367 and 178 out of 464 in 2005. The new law on citizenship no longer withdraws citizenship due to failure to serve in the military – the last section will outline the differences between the old and new citizenship laws.

The number of Turkish citizens whose citizenship was withdrawn because they did not inform the Turkish authorities that they were acquiring another citizenship increased between 2000 and 2005. The numbers are 42 for 2000, 24 for 2001, 81 for 2002, 272 for 2003, 246 for 2004 and 242 for 2005. The application of this rule is random at best since there are many people in this situation who have maintained their Turkish citizenship for many years. The increase in the numbers in this category cannot really be explained with the available data or information. The only possibility is the sensitisation of the authorities as a result of events that led to the withdrawal of the Turkish citizenship of a member of parliament who had sworn allegiance to the US by becoming citizen there prior to the elections in Turkey. Withdrawal of citizenship due to failure to inform upon acquisition of another citizenship is also removed from the new citizenship law.

The second variant of withdrawal of citizenship (which has heavier consequences) called *çıkarma* in Turkish no longer exists in the new Citizenship Law. This kind of removal was possible if the person who had committed a crime against the internal or external security of the Republic (or economic and financial crimes) and who was either abroad or went abroad and refused to return within three months after being called back (one month in cases of emergency law or state of war). This removal only applied to those who acquired Turkish citizenship after birth (through naturalisation). It can apply to Turkish citizens by birth if the

country is at war. People whose citizenship is removed through *çıkarma* can never re-acquire Turkish citizenship (Aybay, 2008: 245). The assets and belongings of those whose citizenship is removed are confiscated by the Treasury and the value is deposited in a national bank (Aybay, 2008: 248).

(e) *Loss through option*

This mode of loss applies to children who acquired Turkish citizenship when their mothers naturalised in Turkey. They can renounce their Turkish citizenship within a year of reaching adulthood as long as this does not result in statelessness. Furthermore, women who acquired Turkish citizenship upon marriage can renounce it upon divorce.

3.2 Policies towards historic Turkish groups abroad

Notwithstanding concerns about the emigrants (see section 2.2), the Turkish citizenship debate was also focused on other particular groups. The disintegration of the USSR and the increasing numbers of arranged marriages in Turkey alerted authorities. The amendment of 2003 required spouses to wait for three years before a spousal transfer of citizenship is possible.⁵⁶ The second amendment in the same year made it possible for citizens of Northern Cyprus to acquire Turkish citizenship easily.⁵⁷ In 2003, a total of 2,403 Cypriots acquired Turkish citizenship.⁵⁸

Immigrants accepted to Turkey have been predominantly from among peoples considered to be ‘of Turkish descent and culture’ and they were settled using the Law on Settlement since 1934.⁵⁹ This law allowed for two types of migration to Turkey: those who were settled by the state and those who settled themselves (Doğanay: no date). According to Doğanay this law was considered to be insufficient during the last two decades and it was amended to accommodate those who had been forced to migrate to Turkey from Bulgaria in 1989. Many of the Bulgarian Turks who arrived with the first wave of migration in 1989 were granted Turkish citizenship. When these migrants could reacquire their Bulgarian citizenship and passports in 2000 (hence becoming dual citizens), Turkish politicians encouraged them to vote in the elections in Bulgaria in order to strengthen the political party representing ethnic Turks and play a positive role in establishing cooperation between two countries on the way

⁵⁶ Law No. 4866/2003 amending Law No. 403/1964 on Turkish Citizenship.

⁵⁷ Law No. 4862/2003 amending Law No. 403/1964 on Turkish Citizenship. The citizens of the Turkish Republic of Northern Cyprus (TRNC) have always enjoyed preferential treatment in Turkey. Law No. 4465/1999 further strengthened this by attempting to provide TRNC citizens with all the social and economic rights of Turkish citizens except voting rights. Since TRNC is not a recognised state (except by Turkey) TRNC citizens could travel abroad only with a Turkish passport (except for the UK and the USA which recognised the TRNC passport as an identity card and issued visas for TRNC citizens on a blank page and not the passport itself). TRNC citizens could obtain a Turkish passport without becoming a citizen of Turkey. They also had the right to be dual citizens and Law No. 4465/1999 states that there shall be a fast-track process for the citizenship applications of those TRNC citizens who want to acquire the citizenship of the Republic of Turkey. Dual citizenship has also existed for those Turkish citizens who settled in the TRNC. Those with five years residence are granted TRNC citizenship provided that they fulfil certain conditions (Law No. 25/1993 TRNC Nationality Law). Yet the TRNC Council of Ministers can also grant TRNC citizenship on a discretionary basis. The TRNC government was accused of such discretionary behaviour prior to the 2003 elections in order to influence the election results (Hylland 2003).

⁵⁸ Data used in this report related to citizenship in Turkey were provided by the General Directorate of Population and Citizenship, Ankara.

⁵⁹ Law No. 2510/1934 on Settlement. The Council of Ministers was in charge of determining which groups were considered to be of Turkish descent. Groups such as Pomacks, Roma and Albanians have also been settled in Turkey by being assigned this status (Şahin: no date).

to EU membership. Some Bulgarian Turks, who had not been able to naturalise in Turkey, were sent back to Bulgaria towards the end of the 1990s.⁶⁰

A new law on settlement was adopted in 2006.⁶¹ Prior to this law, special laws were enacted in order to regulate the settlement of other groups known to have ethnic Turkish origin such as Afghan immigrants and Ahıska Turks who migrated from Russia.⁶² The 1992 law which regulated the settlement of Ahıska Turks in Turkey was amended in 2009⁶³ and granted citizenship to all those Ahıska Turks who apply within three months of the legislation of this law and who have a residence permit issued before January 2009. Those who apply could be naturalised within six months without having to satisfy the requirements specified in the Turkish Citizenship Law. These exceptions were also valid for other groups of Turkish origin.

As can be seen from the amendments to the 1964 law on citizenship outlined above, apart from the one which attempts to prevent arranged marriages, there is no debate about immigrants in Turkey. The category of ‘immigrant’ is reserved to those who have Turkish origin and are close to Turkish culture. This is outlined clearly in the new law on settlement enacted in 2006.⁶⁴ And, based on the law on settlement, those who are accepted as immigrants are naturalised through the decision of the Council of Ministers following the completion of other bureaucratic requirements. Politicians in Turkey feel little need to respond to immigrant issues because these are not yet politicised, which is a common feature of countries that have only recently begun receiving economic immigrants. Turkey, officially, still considers itself an emigrant country.

There are not many organised immigrant groups in Turkey able to place significant pressure on the government. Two of the few immigrant groups that made it to the media, for instance, were the Network of Foreign Spouses and Muslim immigrants such as Bulgarian Turks. The Network of Foreign Spouses referred to ideals of fairness and demanded more rights for individuals who are foreigners in Turkey.⁶⁵ The pragmatic nature of the debates on citizenship and the reactive policy-style hinders the politicisation of, and reciprocation of tolerance towards, immigrants in Turkey.⁶⁶ In other words, if the values that underlie the promotion of dual citizenship for Turkish emigrants were brought into the public sphere, they could lead to demands of reciprocity for immigrants in Turkey. More recently, a Migrant Support Network has been formed as a network of academics, activists, NGO employees and other concerned individuals that aims to provide support to migrants in Turkey through a variety of strategies.⁶⁷

3.3 Institutional Arrangements

Turkey’s citizenship regime was historically determined by the willingness to combine the process of inclusion through naturalisation and nation-formation through admitting people with certain features. In this process Islam and Turkish lineage were the common denominators for admitting migrants to Turkey. In the following years, following the mass

⁶⁰ ‘Sofya’da bir Kurultay’, *Milliyet* [Turkish daily newspaper], 16 July 2000; ‘Soydaşa Green Card’, *Milliyet*, 4 March 1997; ‘Menderes: “Çifte Vatandaşlık Kolaylaştırılmalı”’, *Milliyet*, 24 February 1997.

⁶¹ Law No. 5543/2006, Law on Settlement.

⁶² Law No. 2641/1982 and Law No. 3835/1992 respectively.

⁶³ Law No. 5838/2009 amending law No. 3835/1992 on the acceptance and settlement of Ahıska Turks in Turkey.

⁶⁴ Law No. 5543/2006 on Settlement.

⁶⁵ The majority of the women in this association were Germans and they did not want to naturalise in Turkey because they would lose their German citizenship.

⁶⁶ For a classification of the policy styles see Richardson (1982).

⁶⁷ <http://gocmendayanisma.org/blog/> accessed on 22 October 2012.

migration to Western Europe, the main motivation of the changes to the citizenship law was to maintain the ties of these emigrants with Turkey while ensuring that they integrated into their host societies politically and socially. Acceptance of multiple citizenship and the creation of privileged non-citizen status (pink/blue card) are directly linked to the circumstances of the emigrants in Western Europe – and especially Germany. However, despite these regulations, there are many problems in the implementation of, especially, the status of privileged non-citizens.

As for the naturalisation of foreigners in Turkey, the previous law did not change much except for the implementation of a three year waiting period for the spousal transfer of citizenship. The naturalisation practices are discretionary and this is justified by reference to the national security of Turkey. Those who acquire automatic citizenship are only those who are registered as legal migrants, and in order to register under this category, a person has to be of Turkish descent. The fact that there is practically no social mobilisation on the part of foreigners in Turkey for furthering their rights creates no incentive for the state to address the issue of foreigners living in Turkey. The most prevalent policy towards the foreigners is turning a blind eye towards their exploitation in the informal labour market.

4 Recent Debates on Citizenship

One of the recent developments with regard to emigrants and citizenship rights is about voting from abroad. Even though Turkish citizens residing abroad could vote in Turkey's general elections, there was no practical method for implementing this other than setting up ballot boxes at the airports for those emigrants who travelled to and from Turkey. This changed with the 2008 amendment to the law on elections and voter registration.⁶⁸ This outlines the methods through which Turkish citizens living abroad can vote in general elections, the election of the president and referenda in Turkey. There are four different methods of voting: by regular mail, at the borders (during 75 days prior to the election date – this was already practiced during previous elections), at the consulates abroad (during the 45 days prior to the election date) and electronically (during the 30 days prior to the election date). The Constitutional Court cancelled the possibility of voting through mail ballots because it violates the secrecy of voting. The implication of this law is still to be seen as in the last general elections held in 2011 citizens living abroad still could not vote.

5 Conclusions

The findings suggest that maintaining vibrant economic links with citizens living abroad (especially those living in Germany) has been a constant concern for Turkish governments despite the severe neglect in addressing the social problems faced by these groups. The research results show that there are a number of organisations and actors, especially in Germany, that pressure the policy-makers in Turkey to accommodate their needs to integrate into their host country without having to relinquish their rights to land ownership and inheritance in Turkey. The main amendments to the Law on Citizenship in Turkey were made as a result of the realisation that the guest-workers were in fact permanent residents in their host countries. The most interesting finding is the interaction between the Turkish and German governments and the attempts of the former to formulate legislation based on the developments in Germany.

⁶⁸ Law No. 5749/2008 amending the Law No. 298/1961 on Elections and Voter Registration.

Turkish governments have demonstrated a willingness to address the practical problems faced by the Turkish people living abroad. In many cases the intentions were sincere even though official actions to solve the problems were either slow or non-existent. However, this inability did not stem from apathy towards the real problems or the aim of strategically using the issue for political gain. It was rather the result of a general lack of political incentives, as those persons living abroad who possess the right to vote in Turkey could not practically do so unless they returned to Turkey during elections.⁶⁹

As outlined in this report, there is a very pragmatic debate concerning citizenship in Turkey. The principles of citizenship acquisition and loss are rarely discussed and immigrants have not been a real concern of policy-makers, either because they are not mobilised or because the issue is not politicised.

⁶⁹ Voting during general elections in Turkey has been a widely debated issue. Legally it is possible for Turkish people living abroad to vote during elections from the country where they reside. However, because of practical problems, such as setting up ballot boxes in other countries and the insecurity of mail ballots, this has never been practised. Fuat Boztepe, who is the head of the department in charge of workers abroad at the Ministry of Labour, stated that the greatest problem occurs in countries where there are a significant number of workers and the host country does not allow ballot boxes to be put in public spaces. Given the number of people who could vote, setting up ballot boxes only in the consulates and embassies does not provide a solution (interview with Fuat Boztepe, Head of the Department of External Relations and Services for Workers Abroad at the Turkish Ministry of Labour and Social Security, 14 May 2003). The amendment to the law on voting –mentioned in section 4 may alter the scene dramatically.

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