

Immigration and Refugee Board of Canada

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> Responses to Information Requests

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11 October 2013

TUR104598.E

Turkey: Citizenship by birth, including requirements and legislation; requirements for a person to claim citizenship if both parents were born in Turkey (2012-October 2013)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

According to the 2009 Turkish Citizenship Law, a person can acquire citizenship by birth or by descent (Turkey 2009, Art. 6). The law states the following about citizenship acquired by birth:

1. A child born in Turkey, but acquiring no citizenship of any state by birth through his/her alien mother or alien father is a Turkish citizen from the moment of birth.
2. A child found in Turkey is deemed born in Turkey unless otherwise proven. (ibid., Art. 8)

Regarding citizenship acquired by descent, the law states the following:

A child born to a Turkish mother or through a Turkish father within the unity of marriage either in Turkey or abroad is a Turkish citizen.

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

A child born through a Turkish father and to an alien mother out of wedlock acquires Turkish citizenship if the principles and procedures ensuring the establishment of descent are met. (ibid., Art. 7)

The US Department of State's *Country Reports on Human Rights Practices for 2012* corroborates that citizenship is passed down through parentage, not acquired through birth on Turkish soil; only one parent is required to be a Turkish citizen (US 19 Apr. 2013, 37). However, if a child is born in Turkey and is not eligible to obtain citizenship of any country from his or her parents due to their status, the child is granted Turkish citizenship (ibid.).

The Turkish Citizenship Law outlines the conditions that must be fulfilled by a foreigner wishing to acquire Turkish citizenship:

1. An alien who wishes to acquire Turkish citizenship shall:

- a) be in the age of majority and have the capacity to act either according to his/her own national law or, if he/she is stateless, according to Turkish law,
- b) have been resident in Turkey without interruption for five years preceding the date of his/her application,
- c) verify his/her determination to settle down in Turkey with his/her manners,
- c) have no disease constituting an obstacle in respect of public health,
- d) be of good moral character,
- e) be able to speak a sufficient level of Turkish,
- f) have income or profession to provide for maintenance for himself/herself and his/her dependants in Turkey,
- g) have no quality constituting an obstacle in respect of national security and public order. (Turkey 2009, Art.11)

Citizenship can also be acquired by non-citizens married to Turkish citizens, after a waiting period of three years, if they are "living within the unity of marriage" and do not constitute a national security threat, among other requirements (Turkey 2009, Art. 16).

The Turkish Citizenship Law also stipulates, however, that "fulfilment of the stipulated conditions required does not grant that person an absolute right in the acquisition of citizenship" (ibid., Art. 10). The law indicates that,

[o]f the aliens who wish to acquire Turkish citizenship by the decision of the competent authority, for those who fulfil the conditions for application, a citizenship file shall be opened in their name and sent to the Ministry to be decided. After the examination and inquiry made by the Ministry those whose situations have been deemed appropriate can acquire Turkish citizenship by decision of the Ministry, whereas the citizenship applications of those whose situations have been deemed inappropriate shall be rejected by the Ministry. (ibid., Art. 19)

In correspondence with the Research Directorate, an official at the Canadian Embassy in Ankara indicated that the main criteria for Turkish citizenship eligibility is for one of the parents to be Turkish, and for the applicant to be older than 18 years old, but noted that the process for applying for Turkish citizenship "is totally at the discretion of Turkish authorities" (Canada 9 July 2013). The official added that citizenship applications are processed through the Bureau of Investigation and Evaluation, a special unit of the Civil Registration and Citizenship Directorate (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Canada. 9 July 2013. Embassy of Canada in Ankara. Correspondence from the Area Director-Middle East to the Research Directorate.

Turkey. 2009. Turkish Citizenship Law. <[http://eudo-citizenship.eu/NationalDB/docs/TUR%20Turkish%20citizenship%20law%202009%20\(English\).pdf](http://eudo-citizenship.eu/NationalDB/docs/TUR%20Turkish%20citizenship%20law%202009%20(English).pdf)> [Accessed 2 Oct. 2013]

United States (US). 19 April 2013. Department of State. "Turkey." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/204558.pdf>> [Accessed 2 Oct. 2013]

Additional Sources Consulted

Internet sites, including: Al-Monitor; eoi.net; EUDO Observatory on Citizenship; Factiva; *Hurriyet Daily News*; *Today's Zaman*; Turkey – General Directorate of Civil Registration and Nationality.

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Date modified: 2014-06-11

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