**CONTRIBUTION OF TURKEY - INFORMATION NOTE ON HUMAN RIGHTS COUNCIL RESOLUTION 34/15 ON BIRTH REGISTRATION AND THE RIGHT OF EVERYONE TO RECOGNITION EVERYWHERE AS A PERSON BEFORE THE LAW**

In Turkey, as per Population Services Law No:5490, families are obliged to register their children. With Civil Law No:4721 protection of children’s identity is guaranteed.

In case of an adult or child who do not have birth registration in due of time, birth registration offices are entitled to call adults in person or executor, guardian or trustee of the children and in case of absence of these; they are entitled to call grandmother, grandfather, sisters and brothers or people who live with children or neighbourhood representative for statement. Concerned people are responsible to apply and make a statement to birth registration offices in 30 days after call. If the statement is not made in prescribed time; these people can be cowed by law enforcement offices if local authorities deem necessary and the child is registered.

Besides, legislative amendments were made to not to charge for identity cards with Population Services Law No:5490 and in order to encourage registration in due of time studies were made for removal of barriers for children who are not enrolled to a school although being in compulsory primary education age. Besides conditional cash transfers for health and education positively affected birth registration in due of time.

Maternity allowance that is started to be given in accordance with Legislative Decree No: 633 by 15.05.2015 positively affected birth registration.

In consideration of studies and arrangements stated above, it is estimated that there is not a birth registration problem in especially rural areas.

**BIRTH REGISTRATION OF THE FOREIGNERS**

Birth registration is the process which enables legal status to the foreign children who are born in Turkey and whose parents’ birth record is in Turkey, and its framework is determined with the related legislation. This process is closely related to the status of mother and father of the foreign child born in Turkey. In this regard;

***Foreigners staying in Turkey with residence permit;***

Foreign children, who are born in Turkey and whose parents stay in Turkey with one of the residence permit listed in the Article 30 of the Law No. 6458 on Foreigners and International Protection, may stay in Turkey depending on the validity period of residence permit of the mother or father with their birth certificates until travel certificate is issued and an application made for residence permit pursuant to the Article 21 Paragraph 13 of the Regulation on the Implementation of the Law on Foreigners and International Protection.

The birth registration alone does not give the right to enter into or exit from Turkey. These children must receive residence permit appropriate to their situation within 180 days and this residence permit is issued to be valid from the date of birth of the child.

In case that mother and father of a child cannot be identified from passport, certificate substituting the passport or national ID cards, birth certificate is requested. If these documents are granted by Turkish authorities, they must be e-signed/signed and sealed/wet stamped; if granted abroad, they should be apostilled and their Turkish translation should be notarized. In case the person is a citizen of a country which is not a party to the Apostille Convention, the documents should be certified by the relevant authorities of the country (certification of Consulates and Ministry of Foreign Affairs or Turkish authorities authorized on this matter).

Furthermore, Article 14 Paragraph 1 of the Regulation on Keeping Civil Records of the Foreigners Residing in Turkey states that in case the person registered in the foreigners’ register makes a birth notice, the record of his or her child shall be registered with the foreigners data entry form and the connection between the child and his/her mother or father shall be established.

***Foreigners staying in Turkey as stateless persons;***

Stateless person means a person who does not hold the citizenship of any state and who is considered as foreigner, and they are entitled to stay in Turkey legally with the Stateless Person ID Card after they are identified as stateless.

Additionally, pursuant to the Article 8 Paragraph 1 of the Turkish Citizenship Law No. 5901 “A child born in Turkey, but acquiring no citizenship of any state by birth through his/her alien mother or father is a Turkish citizen from the moment of birth.” Within this framework foreign children, who are born in Turkey and whose parents are staying in Turkey as stateless persons, are deemed as Turkish citizen and they are registered in this regard.

In addition to legislation and implementation related to birth registration, points to be paid attention are set out in the Article 122 Paragraph 1 of the Regulation on the Implementation of the Law on Foreigners and International Protection. In this regard;

 Except for the provisions in the special laws, the following respects are observed in procedures and transactions in respect of foreign children:

 a) In case of joint custody, consents of mother and father are taken together. Consent may also be given before the administrative authorities that the application shall be made. If one of the parents and the child are in different countries, consent of other parent is required in relation to this request.

 b) Mother or father who documents that the custody belongs to him/her, may carry out the transactions alone.

 c) In case the legal representative and the child are in different countries, on condition that the legal representative has a consent given before the authority and a commitment that the attendant has undertaken to care for the child, the attendant is granted the right to make the transactions in relation to the child.

 ç) When the high benefit of the child is in question, the administration commences and takes under resolution ex officio the procedures and transactions in the context of the Law, without the need for any consent, request or application.

***Foreigners under International Protection and Temporary Protection***

Besides according to Article 6 of Directive on Unaccompanied Minors dated 20.10.2015 and 152065; “ procedures regarding international protection application, recording, giving a foreigner identification number and certificate of enrollment for the unaccompanied minors and recording and giving temporary protection identity card to unaccompanied minors who have the status of temporary protection are followed by Provincial Immigration Authorities.”

In case foreigners under international protection or temporary protection give birth in Turkey, when one of the parents of the new-born child applies to the Provincial Directorates of Migration Management with the birth certificate given by the hospital, new-born child of these foreigners is registered appropriate to the conditions for staying in Turkey (international protection or temporary protection). If child’s mother or father is under international protection, identity document for international protection beneficiary is issued for the new-born child; if mother or father of the new-born child is under temporary protection, identity document for temporary protection beneficiary is issued. Following the new-born child’s registration and identification procedures, access to rights and services are enabled.