



Acquisition of Turkish citizenship

Turkish citizenship acquired later shall be actualized by decision of a competent authority, by adoption or by the exercise of the right to choice.

The acquisition of Turkish citizenship by decision of a competent authority can be in the following ways:

- ✓ General acquisition of Turkish citizenship
- ✓ Exceptional acquisition of Turkish citizenship
- ✓ Re-acquisition of Turkish citizenship
- ✓ Acquisition of Turkish citizenship by marriage.

1) General Acquisition of Turkish Citizenship (5901-11)

In accordance with Article 11 of the Turkish Citizenship Act No. 5901,

Aliens who fulfill the following conditions can acquire Turkish citizenship **with the decision of the Ministry**:

- ✓ To have been residing in Turkey for five years without interruption,
- ✓ To not have any diseases that constitutes a danger in respect to public health,
- ✓ To have good morals,
- ✓ To speak sufficient Turkish,
- ✓ To have an income or profession in Turkey to provide for his or her own livelihood,
- ✓ To not be abroad in the last 12 months prior to the date of the application,
- ✓ To not have any condition which may pose an obstacle in respect to national security and public order.

2) Exceptional Cases in Acquisition of Turkish Citizenship (5901-12 A/B/C/D)

In accordance with Article 12 of the Turkish Citizenship Act No. 5901,

Provided that there is no condition which may constitute an impediment in respect to national security and public order, aliens, specified below, may acquire Turkish citizenship upon the proposal of the Ministry of Interior and **the decision of the Council of Ministers**;

a)

- ✓ Persons who bring industrial facilities into Turkey
- ✓ Persons who have brought or are believed to bring outstanding services in the following fields
 - 1) Science
 - 2) Technology
 - 3) Economy,
 - 4) Social sciences
 - 5) Sports
 - 6) Culture
 - 7) Art



✓ Persons for whom a reasoned proposal has been made by the relevant Ministries

- b) In accordance with subparagraph (j) of Paragraph 1 of Article 31 of The Law No. 6458 on Foreigners And International Protection dated 4/4/2013, persons with residence permits, Turquoise Card holders, and their foreign spouses and the underage and dependent foreign children of them,
- c) Persons who have been deemed appropriate for Turkish citizenship by the Ministry of Interior,
- d) Persons who have been accepted as immigrants in accordance with the Settlement Law no. 5543.

3) Acquisition of Turkish Citizenship by Way of Marriage (5901-16)

In accordance with Article 16 of the Turkish Citizenship Act No. 5901, aliens who fulfill the following conditions, provided that there is no condition which may constitute an impediment in respect to national security and public order, can acquire Turkish citizenship by way of marriage **with the decision of the Ministry:**

- ✓ To be married to a Turkish citizen at least for three years and still continue to be married,
- ✓ To live together as a family,
- ✓ To not be in any activity that conflicts with the unity of marriage,

4) Re-acquisition of Turkish Citizenship (5901-13/14/43):

4.1. Re-acquisition of Turkish Citizenship Without the Requirement of Residence Permit

In accordance with Article 13 of the Turkish Citizenship Act No. 5901, the persons specified below can re-acquire Turkish citizenship **by the decision of the Ministry**, regardless of their residence period in Turkey, provided there is no condition which may constitute an impediment in respect to national security:

- ✓ Persons who have lost their Turkish citizenship by obtaining permission to cease their Turkish nationality.
- ✓ Those who have not exercised their right of choice for the last three years among the persons who lost their Turkish citizenship and depend upon their mothers or fathers.

4.2. Re-acquisition of Turkish Citizenship With the Requirement of Residence Permit (5901-14)

In accordance with Article 13 of the Turkish Citizenship Act No. 5901, those whose Turkish citizenship has been lost pursuant to Article 29, can be re-naturalized **upon the decision of the Council of Ministers;**

And those who have lost their Turkish citizenship pursuant to Article 34 can also be re-naturalized **upon the decision of the Ministry**, provided that;



- ✓ The person has been residing in Turkey for three years and
- ✓ There is no condition which may constitute an impediment in respect to national security.

4.3. Loss or Nullification of Turkish Citizenship (5901-43)

In accordance with Article 43 of the Turkish Citizenship Act No. 5901, persons who lost their Turkish citizenship pursuant to subparagraphs (a), (ç), (d), and (e) of Article 25 of the abolished Turkish Citizenship Law no. 403 and persons whose citizenship was nullified pursuant to the abolished Turkish Citizenship Law no. 1312, may be re-naturalized after applying for citizenship **by the decision of the Council of Ministers**, regardless of seeking the condition to reside in Turkey, provided that;

- ✓ There are no circumstances which constitute an impediment to national security.

5) Acquisition of Turkish Citizenship by Way of Adoption (5901-17)

In accordance with Article 17 of the Turkish Citizenship Act No. 5901, any person who is not of age and has been adopted by a Turkish citizen, shall acquire Turkish citizenship **by the decision of the Ministry**, provided that;

- ✓ There is no condition which may constitute an impediment in respect to national security and public order.

6) Acquisition of Turkish Citizenship by Right of Choice (5901-21)

In accordance with Article 21 of the Turkish Citizenship Act No. 5901,

- ✓ Children who depend upon their mother or father and have lost their Turkish citizenship,
- ✓ Persons who have given a written notification to acquire Turkish citizenship within three years after attaining maturity,

may acquire Turkish citizenship by means of exercising their right of choice **by the decision of the Ministry**.



- Although the developed economies host a large number of migrant workers and still suffer from labour shortages, integration of migrant workers continues to be a problematic area due to the discriminatory policies and legislations of the host countries.
- Migrant workers and members of their families frequently find themselves in a vulnerable situation and may encounter the difficulties arising from their presence in the State of employment.
- Since the rights of migrant workers and members of their families have not been sufficiently recognized, migration often causes serious problems not only for the migrant workers themselves but also for the members of their families.
- One of the most serious problems for migrants is scattering of the family. In many European countries (e.g. Germany, Austria, Belgium) reunification of the family is a difficult process with a wide range of prerequisites, such as having sufficient income, living space and language knowledge, etc.
- For reunification of the family the criteria of being “sufficient” in terms of income or living space are getting harder with the recent regulations of countries like Belgium. Also, despite the European Commission Opinion of 04.05.2011 and the jurisprudence of the European Court of Justice, knowledge of language is still a prerequisite in Germany for the family reunification of non-EU nationals. This discriminatory criterion in Germany does not apply to the spouses from EU countries, Australia, Israel, Japan, Canada, New Zealand, South Korea and the USA but the rest of the World.
- In addition to the difficulties in reunification of the family, access to citizenship is also another problem for long term or permanent residents of countries like Germany or Austria. The highest legal form of integration of a migrant is to become a citizen of the State of employment. However, in Germany or Austria it is forbidden to have dual citizenship, and one must cease to be a citizen of the country of origin to become a citizen of those countries.
- The prohibition of dual citizenship could be assumed as a sovereign right of a country. However, regarding the results of such practices, the most affected part of the society in those countries is migrant workers from non-EU countries. Therefore, the prohibition of dual citizenship should be considered discrimination.

Services Provided by Ministry of Family and Social Policy for Syrians under Temporary Protection

- Turkey has the largest refugee population of any country in the world more than 3.5 million Syrians whom are provided with temporary protection by the Government of Turkey. Ministry of Family and Social Policy (MoFSP) has “Psychosocial Support Service” for Syrians in different cities. This service is carried out by Psychosocial Support Bureau in Social Care Centres. Approximately 300.000 Syrians between 2014 and 2017 benefited from the psychosocial support services provided by these centres.
- 31 Chapters of Ministry of Family and Social Policy’s (MoFSP) Family Training Programme was translated into Arabic. This translation service was supported by UNICEF. 105 Syrian trainers trained 15.000 Syrians after the translation of Family Training Programme.
- “Emergency Social Safety Net (Social Cohesion Assistance Programme (Sosyal Uyum Yardımı))” is designed for refugees by EU, UN-WFP, Turkish Red Crescent and MoFSP. This Programme is a cash assistance programme helping vulnerable refugees. Each family supported by this programme receives a debit card and this card is loaded monthly 120 Turkish Liras. 1.3 million refugees are planned to benefit from this Social Cohesion Assistance Programme.
- Conditional Cash Transfer for Education (CCTE) Programme is designed for vulnerable refugee families by UNICEF, Turkish Red Crescent, Ministry of Education and Ministry of Family and Social Policy. This Programme is being implemented for the foreigners in Turkey as well with the support from EU, UNICEF, Turkish Red Crescent, MoE and MoFSP. The Programme began in May 2017. 180.000 children have benefitted from this programme in Turkey since 2017 May. The target is to reach 230.000 Syrian children before May 2018 under this programme.
- MoFSP prepared leaflets for Syrians with temporary protection in Turkish, Arabic and English for the services of the Ministry and distributed to all its Provincial Directorates and Turkish Red Crescent.
- UNFPA is carrying out health education and psychosocial support services for Syrian women in Women’s Health Counselling Centres(in cooperation with Ministry of Health). If a woman (who received a service from these Centres) is a victim of violence, she is directed to Ministry of Family and Social Policy’s Provincial Directorates for protective measures. Syrian women and women from other

nationalities (with their children) have an opportunity to benefit from “Women Guest House” service. Some of women and their children also have benefited from “Women Guest House Service” because of being a victim of violence.

- All women (with or without children), regardless of their statute and nationality, can apply to “Women Guest Houses” in Turkey.
- Syrian children benefit from MoFSP’s Child Protective Service.
- Some of Syrian children live under the roof of foster parents.
- Approximately 6000 Syrian and non-national children were supported under the name of “socio-economic support” with their families in 2017.
- Social Assistance and Solidarity Foundations of MoFSP have allocated a budget for food, housing and other basic needs of Syrian immigrants between 2011 and 2017.
- MoFSP is carrying out an education programme for social integration of Syrian children who lives out of temporary refugee centres. Ministry has also designed different projects for children who live in temporary centres.

Services Provided by Ministry of Family and Social Policy for Roma

- Turkey’s National Strategy Paper on Roma People (2016-2021) and The 1st Phase Action Plan (2016-2018) was adopted in 2016. Officially, Roma people in Turkey are not minority or not in ethnic minority groups accordance with the Turkish Constitution. But, there is an “Anti-Discrimination” subtitle in The National Strategy Document under the “Fundamental Implementation Principles”. The Ministry of Family and Social Policy is in charge of implementing and coordination of social inclusion policy towards Roma citizens within the framework of policy towards disadvantaged. A Ministry circular was issued by the Minister of Family and Social Policy in February 2017 for the Monitoring and Evaluation Board of the National Strategy Document and the Monitoring and Evaluation Board was established. Half of the Board is composed of relevant Ministries and other public institutions. The other half is composed of NGOs and academics. The first meeting of this was held on 23 February 2017 and second meeting was held on February 2018 in Ankara under the chairmanship of the Ministry of Family and Social Policies. More than 80 people attended to the meeting including more than one representatives of relevant institutions and observers such as Roma Integration 2020 Initiative and UNDP

representatives and NGOs. Monitoring and evaluation report which was prepared with the contributions of all the members of the board was prepared and shared with all the member institutions and NGO's.

- Turkey is also a beneficiary of the Roma Integration 2020 Project, which is implemented by the Regional Cooperation Council (RCC), aims to contribute to reducing the socio-economic gap between the Roma and non-Roma population in the Western Balkans and Turkey and to strengthen the institutional obligations of governments to incorporate and deliver specific Roma integration goals in mainstream policy developments. Roma Integration 2020 project beneficiary countries are required to regularly report on the progress and achievements of their Roma integration policies. Reports are annually submitted to the Action Team and a regional compilation of reports is published. Ministry of Family and Social Policy reported on the progress and achievements of their Roma integration policies for the first implementation year of 2016. Additionally, the First Public Dialogue Forum in Turkey was held on 13 September 2017 in Ankara and was jointly organized by the Regional Cooperation Council Roma Integration 2020 (RCC RI2020) and the Ministry of Family and Social Policy (MoFSP) of Turkey. The Forum brought together about 45 participants including representatives from the Ministry of Education, Ministry of the EU Affairs, Ministry of Labour and Social Security, Ministry of Environment and Urbanization, Ministry of Interior, Ministry of Family and Social Policy, Union of Municipalities and Roma NGOs.
- Several training and awareness raising activities on the rights of Roma took place during 2016 and 2017. Some of these activities were about social inclusion of Roma and social exclusion. Target groups of these activities were civil servants, students and families. Most of these activities carried out by means of IPA project namely Technical Assistance For Promoting Social Inclusion in Densely Roma Populated Areas in Turkey (SIROMA project), implemented with the financing from the European Union and Turkey in between 2015 and 2017.

- Safeguards designed to ensure that immigration laws, policies and practices do not discriminate - in purpose or effect- against certain groups of non nationals.

Answer: Law on Foreigners and International Protection no.6458 ensuring the establishment of Directorate General of Migration Management embodies equal provisions without any discrimination.

General Information Note

Law on Foreigners and International Protection no.6458 has been prepared in international standards with a transparent and participatory process by ensuring the norms of law on human rights. Directorate General of Migration Management has been established in order to have an effective and human rights-oriented migration governance.

The conditions for granting residence permit in Turkey have been defined in the Law without any discrimination for race, nationality or ethnic minority.

Upon approval of the Ministry, a humanitarian residence permit with a maximum duration of one year at a time may be granted and renewed by the governorates without seeking the conditions for other types of residence permits. The opportunity of granting a residence permit for humanitarian reasons such as the best interest of the child, age and health has been enabled and such persons may stay in Turkey legally thanks to the humanitarian residence permit. Moreover, positive privileges on the rights for residence permit to stay in Turkey have been given to children, and the foreigners whose Turkish citizen spouse is dead and who are the victims of domestic violence.

Additionally, the rights of stateless persons who do not hold the citizenship of any state have been regulated by this Law for the first time and the persons identified as stateless shall be issued "Stateless Person Identification Document" which substitutes a residence permit without subject to any fee. Such persons shall be exempted from a residence permit.

The principle of non-refoulement, which regulates that no one within the scope of this of this Law shall be returned to a place where he or she may be subjected to torture, inhuman or degrading punishment

or treatment or, where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion, has gained a legal basis with the Law numbered 6458 for the first time.

The Directorate General discusses the issues regarding the foreigners in Turkey such as raising the awareness of rights, obligations as well as access to services and identifying the problems of them. For this reason, the foreigners in different provinces have been informed. Additionally, various shares on supporting the positive perception towards the foreigners have been made together with local actors, civil society and public organisations as well as the members of host communities.

Under the body of DGMM, Foreigners Communication Centre (157 Emergency Hotline) provides 7/24 services in 6 languages (Turkish, English, Russian, Arabic, Persian and German) for the foreigners experiencing the problem of language barrier to have an access to the information needed.

It has been discussed together with public institutions and organisations as well as civil society that what kind of steps should be taken for handling a holistic service planning which covers all of the migrants and adopting a right-based approach on the services provided for the foreigners.