

14 Changing conceptions of citizenship in Turkey¹

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International migration and globalisation are factors which affect citizenship practices throughout the world. Increasing tolerance of multiple citizenship is, amongst other things, one of the results of these trends. This chapter analyses the Citizenship Law in Turkey and argues that the most important changes in the law were made to accommodate the needs and wishes of the emigrants who – even up to the third generation – maintain vibrant ties with their home countries. The chapter starts with the history of citizenship in Turkey. The following section outlines the amendments to the current law that regulates the acquisition and loss of citizenship. Subsequently, the main forms of acquisition and loss of citizenship in Turkey are mapped out. A final section looks at the statistics of people acquiring and losing citizenship in Turkey.

14.1 History of Turkish citizenship law

14.1.1 *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 new law 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 when they reached adulthood (İçduygu, Çolak & Soyarık 1999).

The first constitution of the Republic of Turkey (1924) granted Turkish nationality to all residents of the Republic irrespective of race or religion. The nationality law of the Republic was accepted in 1928 and, like its Ottoman predecessor, it was based on *ius sanguinis* but was complemented by a territorial understanding (İçduygu et al. 1999: 193). Aybay (2001: 45) argues that behind this decision was the desire to extend Turkish nationality to as many people as possible.²

İçduygu et al. (1999: 195), for example, argue that the notion of nationality was not defined solely in terms of ethnic background since the new Turkish nationality 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).

Specifically, in accordance with the Law on Settlement adopted in 1934,³ 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).⁴

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 the 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 1925,⁵ 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). However, these discussions were short-lived and did not lead to any policy changes.

14.1.2 *The impact of Turkish emigration to Western Europe*

The current law that regulates the acquisition and loss of Turkish citizenship was put into effect in 1964.⁶ This period also marks the beginning of the migration of guest-workers to Western Europe. As of 2005,

3.1 million Turkish citizens were living in Europe. Together with another 530,000 Turkish citizens living in other parts of the world, Turkey's emigrant population numbers an approximate 3.6 million (TCCSGB 2005).

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'⁷ 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.⁸

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 law took place in 1981 and legalised dual citizenship as long as the person acquiring a second nationality 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 citi-

zanship to children; as a result women can also transfer their citizenship to their children through *ius sanguinis*.

The change in article 23/III of the Citizenship Law made it possible to release individuals from Turkish nationality if they wished to acquire another country's citizenship.⁹ In subsequent 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 nationality. 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 those who had become dual citizens 'illegally'.¹⁰ 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 nationality because they had become 'illegal dual citizens'.¹¹ These people were to have their German nationality withdrawn but could stay in Germany as permanent residents and reapply for naturalisation there provided they were willing to renounce their Turkish nationality.¹²

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 even though they had encouraged these 48,000 people to reacquire Turkish nationality. 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.¹³ 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 nationality. The results of these inquiries and bureaucratic confusion are yet to be seen.

The 1981 change 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.¹⁴ The amendment also facilitated the processes for stripping individuals of their citizenship.¹⁵ 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.¹⁶

Following this 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.¹⁷ Those who wished were allowed to reacquire their citizenship and to have their property reinstated or receive compensation for the value of confiscated property.¹⁸

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 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 having the right to vote in Germany. 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.¹⁹

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.²⁰

Following this logic, the amendment to the Turkish Citizenship Law in 1995 instituted the so-called 'pink card' or the privileged non-citizen status.²¹ In the 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 *Türkische Gemeinde in Deutschland* (TGD).²² Once accepted in 1995, the amendment created a privileged non-citizen status. This status permits holders of a pink card²³ 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.²⁴ 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.²⁵ 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.²⁶ This was the motivation behind the creation of the special non-citizen status.²⁷

During the parliamentary debates when this amendment was discussed, 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 Germany, with some influence in the tight electoral competition between the two major parties.²⁸ 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.²⁹

Some MPs raised their concern about whether this amendment would enable the 'Armenians, Jews, Rum, etc.'³⁰ (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.³¹ 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 re-

nounce their citizenship through 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.

14.1.3 *Policies towards historic Turkish groups abroad*

Emigrants were not the only group who influenced the amendments to the citizenship law in Turkey. The disintegration of the USSR and the increasing numbers of arranged marriages in Turkey alerted authorities and the amendment in 2003 requires spouses to wait for three years before spousal transfer of nationality is possible.³² The second amendment that same year made it possible for citizens of Northern Cyprus to easily acquire Turkish citizenship (see Trimikliniotis in this volume).³³ In 2003, a total of 2,403 Cypriots acquired Turkish citizenship.³⁴ The latest amendment was passed in 2004 and concerned a minor issue relating to the pink card.

As can be seen from the amendments that were outlined above, apart from the one attempting to prevent arranged marriages, there is no debate about immigrants in Turkey. The focus has been on emigrants from Turkey who live in Western Europe. 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.

Prior to the 1980s, 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.³⁵ The Law on Settlement 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 insufficient during the last two decades and it was amended to accommodate those forced to migrate to Turkey from Bulgaria in 1989 (see Smilov & Jileva in this volume). Many of the Bulgarian Turks who arrived with the first wave of migration in 1989 were granted Turkish nationality. When these migrants could reacquire their Bulgarian nationality and passports in 2000 (hence become 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 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.³⁶ Special laws were enacted in order to regulate the settlement of other groups known to have ethnic Turkish origin such as Afghan immigrants and Ahiska Turks who migrated from Russia.³⁷

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.³⁸ 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.³⁹ In other words, if 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.

14.2 Modes of acquisition and loss of Turkish citizenship

The law currently regulating the acquisition and loss of Turkish citizenship was put into effect in 1964⁴⁰ and was amended as described in the previous section. 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.

14.2.1 *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. This rule is clearly based on *ius sanguinis*. Children of non-Turkish citizens born in Turkey become Turkish citizens automatically if they cannot acquire the citizenship of their parents (the *ius soli* exception). Marriage to 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. However, those who lose their original citizenship due to marriage automatically become Turkish citizens. 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.

14.2.2 *Acquisition of nationality through the decision of authorities*

There are three types of acquisition within this category. The first is the regular mechanism through which naturalisation takes place and is regulated by art. 6 of the Law. The conditions for application are the following. The person should:

- a. be an adult (eighteen years or older);
- b. have five years of residence in Turkey;
- c. have decided to settle in Turkey;
- d. have good moral conduct;
- e. not have a threatening illness;
- f. speak sufficient Turkish;
- g. have a job or revenue to support himself or herself and dependents.

The second mechanism, exceptional acquisition, can apply to the following categories of persons without enforcing requirements b) and c): the adult children of those who have lost Turkish citizenship, those who are married to a Turkish citizen and their adult children, those who are of Turkish descent, their spouse and their adult children, those who are residents of Turkey with the intention of marrying a Turkish citizen and those who have or will serve Turkey as industrialists, scientists or artists (achievement-based acquisition of nationality).

The third path, which is reacquisition, applies to all those who have renounced their Turkish citizenship in the past for various reasons. In all three types of acquisition the procedure for naturalisation is lengthy and goes through the Ministry of Internal Affairs and the Prime Minister. The decision to grant citizenship is given by the Council of Ministers.

14.2.3 *Acquisition through option*

Children who lost their Turkish citizenship when their parents renounced their citizenship can choose to reacquire their citizenship upon reaching adulthood. As mentioned above, foreign spouses also can acquire their partner's Turkish nationality by option three years after the marriage. There is no residency requirement for the naturalisation of spouses as long as they remain married.

14.2.4 *Loss of citizenship ex lege*

This is valid only for women who wish, upon marriage, to automatically receive the foreign citizenship of their husbands. Although Turkish nationality 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.

14.2.5 *Loss 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 *second* method 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, acquiring another citizenship without informing the Turkish authorities, working for a foreign state which is at war with Turkey, not responding to a call to military service for three months and residing abroad for more than seven years and not showing any interest in maintaining ties with Turkey.

14.2.6 *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.

14.3 **Statistics**

In this section, I will undertake a preliminary analysis of the statistics on the acquisition and loss of citizenship. The statistics on acquisitions through the law are shown in Table 14.1. The data for the years 1997-1999 are missing yet 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 change in 2003 of the law on spousal transfer of citizenship led to a sharp decline in numbers in the following year.

Table 14.1 *Automatic acquisition of Turkish citizenship, 1990-2008*

Year	Through mother or father	Through adoption	Through ius soli	Through marriage	Total
1990	187	–	5	491	683
1991	118	–	7	1,067	1,192
1992	339	–	7	1,057	1,403
1993	344	–	9	1,380	1,733
1994	434	–	25	1,590	2,049
1995	290	–	25	1,148	1,463
1996	104	–	3	933	1,040
2000	259	1	41	5,384	5,685
2001	230	n/a	57	7,630	7,917
2002	231	n/a	52	8,416	8,699
2003	659	n/a	n/a	6,912	7,571
2004	885	n/a	n/a	528	1,413
2005	598	n/a	n/a	1,261	1,859
2006	507	n/a	n/a	1,798	2,305
2007	422	n/a	n/a	2,721	3,143
2008	342	n/a	n/a	3,820	4,162

Note: n/a = not available

Source: General Directorate of Population and Citizenship, Ankara

The statistics on acquisition through the decision of authorities are shown in Table 14.2 below.

Table 14.2 *Acquisition of Turkish citizenship through a decision of the authorities, 1990-2008*

Year	Regular Acquisition	Exceptional acquisition	Reacquisition	Total
1990	119	785	n/a	904
1991	1,172	475	n/a	1,647
1992	888	452	n/a	1,340
1993	634	439	n/a	1,073
1994	949	467	n/a	1,416
1995	1,229	710	n/a	1,939
1996	955	3,927	n/a	4,882
2000	633	736	13,004	14,373
2001	1,161	3,917	28,317	33,395
2002	745	14,564	8,330	23,639
2003	1,236	12,938	3,040	17,214
2004	1,276	6,434	1,999	9,709
2005	816	4,650	864	6,330
2006	987	2,161	2,006	5,154
2007	718	1,358	979	3,055
2008	824	2,383	1,348	4,555

Note: n/a = not available

Source: General Directorate of Population and Citizenship, Ankara

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, 60 per cent were Greek *heimatloss*⁴¹ in 1991 whereas 9 per cent were Iranian citizens. Between 2000 and 2003, approximately 50 per cent of 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).

Table 14.3 shows the statistics on the numbers of withdrawals of Turkish citizenship (the third method explained in section 2.5 above). It should be noted that within the group of people who lost their Turkish nationality 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 number of Turkish citizens whose nationality 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

Table 14.3 *Loss of Turkish citizenship by a decision of the authorities, 2000-2008*

<i>Year</i>	<i>Withdrawal of citizenship</i>
2000	1,920
2001	2,735
2002	2,316
2003	5,489
2004	2,367
2005	464
2006	n/a
2007	n/a
2008	n/a

Note: n/a = not available

The General Directorate of Population and Citizenship reported there was no record for this category for the years 2006-2008.

Source: General Directorate of Population and Citizenship, Ankara

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 a citizen there prior to the elections in Turkey.

Statistics on loss of citizenship are also published for those who have subsequently reacquired their Turkish citizenship (see Table 14.4 below). Up until 2002, individuals who renounced their Turkish citizenship could easily reacquire their original citizenship following naturalisation in Germany. However, the realisation that a new law can lead 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 have reacquired Turkish citizenship thereafter.

Table 14.4 *Previous loss of citizenship by those who have reacquired Turkish citizenship according to three main categories, 2000-2004*

<i>Reason for Loss</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>
Permission to exit	12,635	27,576	8,027	2,874	1,828
Inappropriate conduct	29	71	58	85	121
Loss by option	340	670	245	81	50
Total	13,004	28,317	8,330	3,040	1,999

Note: The General Directorate of Population and Citizenship reported no data for the years 2005-2008

Source: General Directorate of Population and Citizenship, Ankara

14.4 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 for the social problems faced by these groups. The research results show that there are a number of organisations and actors, especially within Germany, that pressure the policymakers in Turkey to accommodate their need 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.

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 living abroad who still possess the right to vote in Turkey cannot practically do so unless they return to Turkey during elections.⁴²

As outlined in the sections above, there is a very pragmatic debate concerning citizenship in Turkey. The principles of citizenship acquisition and loss are seldom discussed and immigrants have not been a real concern of policymakers, either because they are not mobilised or because the issue is not politicised. Foreigners, like Bulgarian Turks or those coming from Central Asia, are not considered part of these immigrant groups since, in most cases, they acquired Turkish citizenship based on their cultural, linguistic and religious backgrounds.

There are many cases of immigrants who find ways to work in Turkey and leave the country every three months (this applies to many Bulgarian Turks who do not have citizenship). Many foreigners who do not need a visa to enter Turkey are employed in Turkey illegally. Even some Western European citizens who reside in Turkey without a work permit resort to this method. Very few of these immigrant groups have organised and begun trying to pressure the Turkish state. *Brücke*, a German-Turkish bridging organisation, and the Association of Foreign Wives are exceptions. Hence, if in the next five to ten years immigration issues become more important and appear in the public sphere we might begin to see more pressure applied to Turkey.⁴³

14.5 Epilogue

The history of Turkish Citizenship Law, which was recounted above, shows that there have been numerous changes to the law since 1964. Most of these changes regarded two issues: they either addressed the interests of emigrants from Turkey or adapted the Turkish regulations to international standards. As a consequence of these amendments, the law has been transformed into a patchwork full of inconsistencies, which is one of the reasons why the Turkish government decided to propose a new Nationality Law. Moreover, this new law aims to harmonise the Turkish regulations with those of the European Convention on Nationality (Tiryakioglu 2006).

Hence, the new law mainly attempts to reduce inconsistencies. Moreover, there are also three substantive changes to the acquisition

and loss of citizenship. The most important change concerns the withdrawal of citizenship from males who have not served in the military and those citizens who have acquired another country's citizenship without informing the authorities. The law, as it currently stands, stipulates that these two types of actions are punishable by the withdrawal of Turkish citizenship. The new law eliminates this possibility and restores the citizenship of those who have lost their citizenship as a result of these clauses. The second major change, which will be implemented by 2010, will abolish preferential treatment of those applicants for naturalisation who are of Turkish origin by applying a five-year residency requirement for all applicants. The third substantive change is the three-year residency requirement for those who wish to reacquire their Turkish citizenship following loss through renunciation or withdrawal as a result of inappropriate conduct. The new law on citizenship was accepted in the parliament on 29 May 2009 (No. 5901/2009 on Turkish Citizenship).

Finally, the Turkish government recently adopted a new law that facilitates voting by Turkish citizens abroad. Even though Turkish citizens residing abroad were able to vote in Turkey's general elections, there was no practical method for doing so other than the setting up of ballot boxes at the borders for emigrants who travelled to and from Turkey. This situation changed with Law No. 5749 (adopted on 13 March 2008), which clarifies the methods through which Turkish citizens living abroad can vote in general elections, presidential elections, and referenda in Turkey. There are now four different ways to vote: by regular mail, at the borders (during a 75-day period prior to the election date as practised during previous elections), at the consulates abroad (over a period of 45 days prior to the election date), and electronically (over a period of 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.

Chronological list of citizenship-related legislation in Turkey

Date	Document	Content	Source
1869	Ottoman Nationality Regulation	Recognises all residents of the Ottoman territories as nationals of the Empire	
1924	Constitution of the Republic of Turkey	Grants Turkish nationality to all residents of the Republic irrespective of race or religion	
1928	Law No. 1312/1928: Turkish Citizenship Act	Based on <i>ius sanguinis</i> but complemented by a territorial understanding	

Date	Document	Content	Source
1934	Law No. 2510/1934 on Settlement	Provides refugee and immigrant status to groups such as Muslim Bosnians, Albanians, Circassians, Tatars, etc.	www.ifc.org
1961	Constitution of the Republic of Turkey	Renewed following the coup; states that children born to Turkish mothers or fathers are Turkish and that it is not possible to revoke the citizenship of individuals unless they have been disloyal to the country; determines that children born to Turkish mothers and foreign fathers acquire citizenship based on the citizenship law	www.legislationline.org ; www.hri.org
1964	Law No. 403/1964: Turkish Citizenship Act	Based on the principles outlined in art. 54 of the 1961 Constitution	www.coe.int
1981	Law No. 2383/1981 amending Law No. 403/1964	Legalises dual citizenship provided that the person acquiring a second nationality informs the government	www.legislationline.org
1982	Constitution of the Republic of Turkey (as amended in 1987, 1995, 2001)	Keeps the same principles regarding citizenship as the 1961 Constitution	www.tbmm.gov.tr (in Turkish)
1989	Law No. 3540/1989 amending Law No. 403/1964	Amends two articles of the law regulating the process of acquisition of Turkish citizenship, specifically regarding the procedure for conditional naturalisation; determines that persons who fail to fulfil a requirement within two years following naturalisation are likely to lose their citizenship	
1992	Law No. 3808/1992 amending Law No. 2383/1981	Removes the clause stating 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 be stripped of Turkish citizenship unless they return within three	

Date	Document	Content	Source
1995	Law No. 4112/1995 amending Law No. 403/1964	months during regular periods and one month under emergency rule Institutes the privileged non-citizen status (also known as the 'Pink Card')	www.legislationline.org
1999	Law No. 4465/1999	Ratifies an agreement between the Turkish Republic and the Republic of Northern Cyprus on facilitating the naturalisation of Cypriots in Turkey	
2003	Law No. 4866/2003 amending Law No. 403/1964	Introduces a waiting period of three years for acquisition of citizenship by spouses	
2003	Law No. 4862/2003 amending Law No. 403/1964	Introduces facilitated acquisition of Turkish citizenship for citizens of Northern Cyprus	
2004	Law No. 5203/2004 amending Law No. 403/1964	Clarifies the rights linked to the privileged non-citizen status; states that holders retain social insurance rights but lose voting rights, the right to be elected and the right to be employed in the civil service	
2008	Law No. 5749 amending Law No. 298/1961 on Elections and Voter Registration	Allows Turkish citizens living abroad to vote by mail (repealed by the Constitutional Court), electronically, at the border or at consulates	
2009	Law No. 5901 Turkish Citizenship Law	Eliminates the possibility to withdraw citizenship from males who have not served in the military and those citizens who acquired another country's citizenship without informing the authorities	

Notes

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- 2 It should not be forgotten that this was taking place in the context of sharp declines in the size of the population of Anatolia as a result of the First World War.
- 3 Law No. 2510/1934 on Settlement.
- 4 Sunni Islam, which is considered to be the mainstream, differs from Shi'a Islam.
- 5 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).
- 6 Law No. 403/1964 on Turkish Citizenship.
- 7 Turkish authorities were counselling emigrants not to lose their socio-cultural identity and to maintain ties with Turkey. Germanisation, according to this perspective, would distance emigrants from Turkey.
- 8 Parliamentary Minutes, 7 June 1995, Period 19, Legislative Year 4, Volume 88, 89-109.
- 9 Law No. 2383/1981 on Turkish Citizenship.
- 10 German Citizenship Law, art. 25. The only exceptions to the strict ban on dual citizenship are those who have a second passport from a European Union country and those who have applied for permission.
- 11 Y. Özdemir, 'Ankara-Berlin Kıskaçında: Çifte Vatandaşlık Gerçeği' [Caught between Ankara and Berlin: the Truth about Dual Citizenship], *Evrensel* [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).
- 12 *Radikal* [daily newspaper], 11 February 2005.
- 13 Y. Özdemir, 'Ankara-Berlin Kıskaçında: Çifte Vatandaşlık Gerçeği' [Caught between Ankara and Berlin: the Truth about Dual Citizenship], *Evrensel* [daily newspaper], 26 January 2005.
- 14 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.
- 15 *Cumhuriyet*, 15 February 1981.
- 16 Law No. 2383/1981 amending Law No. 403/1964 on Turkish Citizenship.
- 17 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.
- 18 Parliamentary Minutes, 27 May 1992, Period 19, Legislative Year 1, Volume 12, 53-55.
- 19 Parliamentary Minutes, 8 June 1993, Period 19, Legislative Year 2, Volume 36, 189-192.
- 20 *Ibid.*, 203-206.
- 21 Law No. 4112/1995 amending Law No. 403/1964 on Turkish Citizenship.
- 22 The Turkish Immigrants Union (later to become Almanya Türk Toplumunu – 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).
- 23 The pink card is the document given to the people who have the special non-citizen status.
 - 24 Law No. 4112/1995 amending Law No. 403/1964 on Turkish Citizenship.
 - 25 Interview with Rona Aybay, 20 August 2002.
 - 26 People who have acquired Turkish citizenship by means other than birth do not have the right to a pink card.
 - 27 Parliamentary Minutes, 8 June 1993, Period 19, Legislative Year 2, Volume 36, 203-206.
 - 28 Parliamentary Minutes, 7 June 1995, Period 19, Legislative Year 4, Volume 88, 89-90.
 - 29 Ibid., 96.
 - 30 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.
 - 31 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.
 - 32 Law No. 4866/2003 amending Law No. 403/1964 on Turkish Citizenship.
 - 33 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 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).
 - 34 Data used in this paper related to citizenship in Turkey were provided by the General Directorate of Population and Citizenship, Ankara.
 - 35 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).
 - 36 'Sofya'da bir Kurultay', *Milliyet* [daily newspaper], 16 July 2000; 'Soydaşa Green Card', *Milliyet*, 4 March 1997; 'Menderes: "Çifte Vatandaşlık Kolaylaştırılmalı"', *Milliyet*, 24 February 1997.
 - 37 Law No. 2641/1982 and Law No. 3835/1992 respectively.
 - 38 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.
 - 39 For a classification of policy styles, see Richardson (1982).

- 40 Law No. 403/1964 on Turkish Citizenship.
- 41 The term Greek *Heimatloss* is used to refer to those Greek citizens of Western Thrace (of Turkish origin) who were expelled from Greek citizenship.
- 42 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, due to 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).
- 43 Ahmet İçduygu, Bilkent University, Department of Political Science, confirmed this possibility (interview: 15 May 2003).

Bibliography

- Aybay, R. (2001), *Vatandaşlık Hukuku* [Citizenship Law]. İstanbul: Aybay Yayınları.
- Doğanay, F. (no date), *Türkiye'ye Göçmen Olarak Gelenlerin Yerleşimi* [The Settlement of Migrants to Turkey]. www.balgoc.org.tr.
- Ergil, D. (2000), 'The Kurdish Question in Turkey', *Journal of Democracy* 11 (3): 122-135.
- Faist, T. (1998), 'Transnational Social Spaces out of International Migration: Evolution, Significance and Future Prospects', *Archives Européennes de Sociologie* 39 (2): 213-247.
- Hunn, K. (2001), "'Alamanya, Alamanya, Türk gibi İşçi Bulamanyla... Alamanya Alamanya, Türkten Aptal Bulamanyla'" Labour Migration from Turkey to the Federal Republic of Germany in the Years of Official Labour Recruitment (1961-1973)', *German-Turkish Summer Institute Working Paper* 4.
- Hylland, A. (2003), *Northern Cyprus Parliamentary Elections*. www.humanrights.uio.no.
- İçduygu, A., Y. Çolak & N. Soyank (1999), 'What is the Matter with Citizenship? A Turkish Debate', *Middle Eastern Studies* 35 (4): 187-208.
- Keyman, E. F. & A. İçduygu (2003), 'Globalization, Migration and Citizenship: The Case of Turkey', in E. Kofman & G. Youngs (eds.), *Globalization: Theory and Practice*, 193-206. London: Continuum.
- Kirişçi, K. (2000), 'Disaggregating Turkish Citizenship and Immigration Practices,' *Middle Eastern Studies* 36 (3): 1-22.
- Kumcu, M. E. (1989), 'The Savings Behavior of Migrant Workers: Turkish Workers in W. Germany,' *Journal of Development Economics* 30: 273-286.
- Richardson, J. J. (ed.) (1982), *Policy Styles in Western Europe*. Boston: Allen and Unwin.
- Robins, P. (1993), 'The Overlord State: Turkish Policy and the Kurdish Issue', *International Affairs* 69 (4): 657-676.
- Şahin, Z. (no date), *Türkiye'ye Yönelik Dış Göçteki Değişim Ve Süreklilik* [The change and continuity in the migration towards Turkey]. www.stradigma.com.
- Sayan, S. (1986), 'Migration Policies of Sending Countries: Perspectives on the Turkish Experience', *Annals of the American Academy of Political and Social Science* 485: 87-97.
- TCCSGB (TC Çalışma ve Sosyal Güvenlik Bakanlığı) (2005), *Bulletin* 5 (2).
- Tiryakioğlu, B. (2006) 'Multiple Citizenship and its Consequences in Turkish Law', *Ankara Law Review* 3(1): 1-16.