

PREFACE

Cappadocia, a precious component of the world s cultural heritage, hosts more than one million tourists from all over the world every year and concentrates its efforts on providing them with an unequalled composition of history, culture and nature along with the best examples of Turkish hospitality.

In a globalising world where human activities are getting independent of spatial restrictions, Cappadocia is preparing to assume a new role as a host. Some of the foreign visitors who come to Cappadocia, first as tourists, decide to spend more of their time in the area, settle down and run their businesses, acquire real estate and get married in the region. As a reminder of its history when it provided shelter and a secure environment for people throughout centuries, Cappadocia temporarily hosts many refugees along with foreign residents who seek long term residence in the area.

*Through the activities carried out with foreign residents who are defined as one of the special interest groups, Cappadocia Local Agenda 21 has identified the need of foreign residents for guidance on issues such as obtaining residence and working permits, acquisition of movable and immovable property, marriage and citizenship procedures and decided to compile the relevant legislation and publish it in a booklet entitled *Guidebook for Foreigners* with a view to satisfy this need.*

We hope that this booklet, prepared by the government agencies concerned with a view to address the problems raised by foreign residents of Cappadocia and finalized in consultation with the end users giving due consideration to their evaluations will render the time they will spend in the region happier and peaceful.

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Governor of Nev_ehir

RESIDENCE PERMITS GRANTED TO FOREIGNERS

Any foreign citizen who intends to receive a residence permit for the first time is required to apply to the security department prior to the expiration of the exemption period of the permit or visa. Article 3 of Law No. 5683 on the Residence and Travel of Foreigners in Turkey reads as follows; Any foreign citizen who intends to stay in Turkey for more than a month has a duty to apply personally or directly to the authorized security department to fill in the required statement form in order to receive a residence certificate before the expiration of such period. This declaration is not subject to any charges or duties.

Any foreigner who shall file an application to receive a residence permit is required to apply to the security department prior to the expiration of the visa period if he/she is a citizen of a country which is subject to a visa; and before the expiration of the period of time granted by exemption if a citizen of a country which has been granted an exemption.

Any application filed to receive a residence permit under the above mentioned procedure shall be finalised either directly by the Governorship concerned by virtue of the authority granted by the Ministry of Interior, or by the Governorship s making an inquiry before the Ministry of Interior. If, as a result of the examinations made, the demand made by the foreign citizen to receive a residence permit is rejected, he/she should leave Turkey in the shortest time. A document entitled *Residence Certificate Specific to Foreign Citizens* shall be issued if the demand is deemed appropriate, by the Security Department of the Province where the foreign citizen in question is domiciled. Any foreign citizen intending to enter Turkey for a long term stay shall receive a visa to this end from the representative office of Turkey in his/her respective country.

ISSUANCE OF RESIDENCE CERTIFICATES ACCORDING TO THE PURPOSE OF STAY IN TURKEY

THOSE ARRIVING FOR LONG TERM STAY: It is the rule that foreign citizens intending to arrive in Turkey for a long term stay receive a visa to this end from the foreign representative offices of Turkey. Those arriving after having received such type of a visa are obliged to receive a residence certificate by filing an application with the Branch Directorate for Visitors in the province where they intend to reside and in provinces where no such Branch Directorate exists, with the Branch Directorate for Passports and Foreigners. A residence statement form (See Annex A) available at these branches shall be completed upon application and a residence permit shall be granted by official authority at request to those who are citizens of Group **A** and **B** Countries and who had received such type of a visa, for one year initially notwithstanding the visa period.

GROUP A COUNTRIES: USA, Germany, Australia, Austria, Belgium, Denmark, Finland, France, Netherlands, England, Ireland, Spain, Sweden, Switzerland, Italy, Iceland, Japan, Canada, Luxembourg, Norway, Portugal, New Zealand, Greece

GROUP B COUNTRIES : All countries other than Group A countries.

THOSE MARRIED TO TURKISH NATIONALS: Any foreign citizen who is married to a Turkish national shall be issued a residence certificate by official authority if he/she applies and submits his/her marriage certificate to the Branch Directorate for Passports and Foreigners in the prescribed time.

THOSE INTENDING TO WORK: Any foreigner who intends to work in Turkey is required to consummate the following transactions respectively;

1. Receipt of a work permit:

- a) Permits granted under Law No. 6224 on the Encouragement of Foreign Capital (*In the case of any business without a Tourism Operations Certificate, work permit shall be given by the Undersecretariat for Treasury, General Directorate of Foreign Capital*)
- b) Permits granted under Law No. 2634 on the Encouragement of Tourism (*shall be granted by the Ministry of Tourism*)
- c) Permits granted under Law No. 3218 on Free Zones (*shall be granted by the Undersecretariat for Foreign Trade*)
- d) Permits granted under Law No. 6235 on the Union of Chambers of Turkish Engineers and Architects (*shall be granted by the Ministry of Public Works and Settlement*)
- e) Permits granted under Law No. 2547 on Higher Education Law (*shall be granted by the Institution of Higher Education*)
- f) Permits granted under Law No. 2527 On the Practicing Freely of Professions and Crafts by and the Employment at Public and Private Enterprises and Work Places in Turkey of Foreign Citizens of Turkish Origin (*work permits shall be given by the Ministry of Interior by the consent of agencies concerned*)
- g) Permits granted under Petroleum Law No. 6326 (*shall be given by the Ministry of Interior by the consent of the Ministry of Energy and Natural Resources*)
- h) Permits granted to Foreigners to be Employed at Public Enterprises (*shall be given by the Ministry of Interior*)
- i) Permits granted to Foreigners who will be Employed at Sports Clubs (*shall be given by the Ministry of Interior by the consent of the General Directorate of Youth and Sports or the Federation concerned*)
- j) Permits granted to Foreigners who will be Employed as teachers at Education and Training Institutions (*shall be given by the Undersecretariat for Treasury*)
- k) Permits Granted to Foreigners who will be Employed at the Cultural, Religious, Charitable and Health Institutions of Foreign Countries in Turkey (*shall be given through the Ministry of Foreign Affairs via Diplomatic Channels*)
- l) Permits Granted under Law No. 3257 on Works of Cinema, Video and Music (*shall be given by the Ministry of Interior by the consent of the Ministry of Culture*)

2. Receipt of a work permit through foreign representative offices of Turkey

3. Receipt of a residence certificate including an annotation on employment from Security departments relying upon a work permit

PROFESSIONS AND CRAFTS WHICH FOREIGN CITIZENS ARE PROHIBITED FROM PRACTICING : Foreign citizens may not practice the profession of a Judge, Public Prosecutor, Lawyer, Notary Public, Doctor of Medicine, Dentist, Midwife, Hospital Attendant, Pharmacist, Veterinary Surgeon, Optician, Manager in Charge of Private Hospitals and may not engage in any work allocated to Turkish nationals as specified in Laws No. 2007 and 815.

FOREIGN CITIZENS ARRIVING FOR EDUCATION PURPOSES: Foreign students arriving in Turkey after having received a visa including an annotation on education who will be provided with primary, secondary, higher, graduate and post-graduate education shall file an application with the Governorship concerned to receive a residence permit on the basis of education purposes. Further to an evaluation of the application, foreign students shall be issued a *Residence Certificate with an Annotation on Education*.

FOREIGN CITIZENS ARRIVING FOR TOURISTIC PURPOSES: Nationals of Group **A** Countries who arrive either after having received a visa for touristic purposes from the Foreign Representations of Turkey or by making use of visa exemption agreements or by receiving an entrance visa from border gates may be granted a residence permit by Governorships acting on their own initiative, for 3 more months from the date of expiration of the visa.

Nationals of Group **B** Countries who arrive either after having received a visa for touristic purposes from the Foreign Representations of Turkey or by making use of visa exemption agreements or by receiving an entrance visa from border gates shall not be granted a residence permit by official authority at the expiration of the visa. Any application filed for this purpose shall be rejected without sending the same to the Ministry and the foreign applicant shall be notified in writing to the effect that nationals of Group **B** countries may not stay longer in Turkey unless they arrive after having received a visa according to the purpose of stay from the Foreign Representation Offices of Turkey.

FOREIGN CITIZENS ARRIVING TO SEEK TEMPORARY ASYLUM: Any foreign citizen who arrives in Turkey with the intention to seek temporary asylum and to travel to a third country is required to file an application within 10 days from the date of entry into Turkey.

REFUGEES: Any foreign person who is outside or can not benefit or on account of his/her fear does not wish to benefit from the protection of the country which he/she is a national of because of his/her

justifiable fear of being prosecuted on account of his/her race, religion, nationality, membership of a social group or political thoughts, or who can not or does not wish to return back due to his/her fear and who has no nationality and is outside the country where he/she is a resident of.

Any refugee who files an application within the legal time prescribed shall be asked to complete a Refugee s Asylum Seeker s Registration Form (See Annex B), a Refugee s Asylum Seeker s Interview Form and to make a Declaration (*A letter including his/her Background and causes of seeking refuge*) in his/her handwriting; his/her fingerprints shall be taken, a copy of each of which shall then be forwarded to the Ministry of Interior. Necessary action will then be taken according to the instructions to be given by the Ministry of Interior.

FOREIGN CITIZENS WHO SHALL NOT BE GRANTED A RESIDENCE PERMIT :

Any foreign citizen who qualifies as follows shall not be granted a residence permit:

- a) Those who arrive for the purpose of working and who desire to engage in a profession allocated to Turkish citizens by law (foreign citizens are prohibited from practising the profession of a Judge, Public Prosecutor, Lawyer, Notary Public, Doctor of Medicine, Dentist, Midwife, Hospital Attendant, Pharmacist, Veterinary Surgeon, Optician, Manager in Charge of Private Hospitals, Diver, Musician, Photographer, Hairdresser, Broker, Manufacturer of Clothing, Cassette and Footwear, Construction, Iron and Timber Industry works, etc.)
- b) Those whose status and activities can not be reconciled with Turkish laws, customs or political requirements
- c) Those who prove to be unable to provide for their maintenance legally during the time they intend to stay in Turkey
- d) Those whose entrance into Turkey has been prohibited, but have somehow entered into Turkey
- e) Those who have violated public peace and order during their stay in Turkey

ACQUISITION OF MOTOR VEHICLES BY FOREIGN CITIZENS

Any foreign citizen who buys a motor vehicle in Turkey may register the vehicle as his/her property by applying to the Traffic Registration and Supervision Branch Directorates attached to the Provincial Security Directorate. The rules that are applicable to Turkish citizens shall also be applied to foreign citizens in these transactions. However, the number plates to be given to foreign citizens who have been granted a temporary residence permit shall be exclusive to visitors and bear a mark reading as **MA** . Foreigners may buy and sell these vehicles as they desire, in which case they need to possess the following documents:

1. A document evidencing ownership
2. A technical document a certificate of roadworthiness
3. Financial liability insurance
4. A document evidencing that the amount required to be deposited in the Fund for Preventing Environmental Pollution has been paid.

ACQUISITION OF IMMOVABLE PROPERTY BY FOREIGN CITIZENS IN TURKEY

The acquisition in Turkey of immovable property by foreign citizens is subject to the principle of reciprocity. There should be an agreement in this respect between Turkey and the country which the person wishing to acquire immovable property (*property such as house, land*) is a national of, and the right of the nationals of the two countries to the acquisition of immovable property should be recognised reciprocally.

The person wishing to acquire immovable property may not purchase such property unless it is within municipal boundaries. It is not possible to acquire such property if it is within the boundaries of a village without a municipality. The property to be purchased should not be within a prohibited military zone.

The person intending to acquire immovable property in Turkey should first apply to the Real Estate Registration Office and communicate his/her intention verbally. The person in question should be able to produce the identity card issued by his/her country during this application. The Real Estate Registration Office shall communicate the personal information obtained during application to the authorities concerned asking whether or not the property in question may be sold to a foreign person or entity. The sale procedures may be initiated if there is no other legal restrictions on the property to be purchased.

The Turkish citizen seller shall have with him/her his/her identity card, tax number and 1 photograph for the transactions to be conducted by the Real Estate Registration Office for the sale of the property. The foreign citizen buyer shall have with him/her his/her identity card and 2 photographs. A title deed shall be given to the person concerned upon the consummation of the transaction. A form concerning

foreign citizens shall also be completed and delivered to the Title Deed and Land Registration General Directorate (Foreign Affairs Department).

Any person who has renounced his/her citizenship as a Turkish national by receiving a permission from the Council of Ministers should use, during these transactions, the identity card issued by the country, the citizenship of which he/she has acquired. If any such person appoints an attorney to conduct the transactions on his/her behalf, the power of attorney should be certified by a notary public or a consulate-general abroad or a notary public in Turkey. In addition to the Power of Attorney, he/she should also give the person appointed as attorney a copy of the document indicating that he/she has renounced his/her citizenship by a decision of the Council of Ministers, which document shall be certified by a notary public or a consulate general. The person appointed as attorney shall have with him/her his/her identity card and 2 photographs if representing the buyer and 1 photograph if acting on behalf of the seller.

LICENSE AND TAX PROCEDURES RELATING TO IMMOVABLE PROPERTY ACQUIRED BY FOREIGN CITIZENS IN TURKEY

License and tax procedures relating to immovable property acquired by foreign citizens in Turkey shall be the same as those applied to Turkish citizens and shall be conducted by the Municipality concerned.

RECEIPT OF A BUILDING LICENSE FOR BUILDINGS TO BE CONSTRUCTED WITHIN MUNICIPAL BOUNDARIES

The documents to be requested in the acceptance of a file for the receipt of a building license for buildings to be constructed within municipal boundaries are included in Annex The file shall not be accepted unless the documents specified in the Annex are completed. All information required to be filled in the cover sheets of the Project should be provided in full.

Documents required to be submitted to receive a permission certificate for the use of a building, which shall be issued after the completion of construction are as follows:

1. A Certificate of Discharge issued by the Social Insurance Institution (*bearing an embossed stamp*)
2. A Certificate of Discharge issued by the relevant Tax Department
3. Environmental Health Report
4. If a shelter has been constructed, a No Objection Report issued by the Shelter Commission

TAX RETURNS TO BE FILED FOR IMMOVABLE PROPERTY

TAX RETURNS TO BE FILED FOR BUILDINGS, PLOTS AND LAND: Tax returns for immovable property shall be filed with the Municipality concerned. An orange tax return form for plots of land, a green tax return form for land and a blue tax return form for buildings shall be filled in as shown in the annexed forms (Annex ...) and an application shall be filed with the Municipality concerned, presenting the following documents:

1. A copy of the title deed
2. A copy of the Identity Card
3. A revenue stamp of TL 150.000
4. A copy of the Tax Return filled in for Buildings, Plots of Land or Land, whichever is applicable

ENVIRONMENTAL CLEANING TAX RETURNS: The annexed form should be filled in for the Declaration of Environmental Tax to be paid to Municipalities by the inhabitants living within Municipal boundaries. The tax return shall be filed with the respective Municipality together with a copy of the identity card.

RECEIPT OF A LICENSE TO ESTABLISH AND OPERATE A BUSINESS WITHIN MUNICIPAL BOUNDARIES

Similarly, an application should be filed with Municipalities to receive a license to establish and

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operate a business within the boundaries of a municipality. Documents required for such transaction
are listed below:

1. A copy of the Title Deed or the Certificate of Permission for the Use of Building
2. A copy of the Lease Contract
3. A copy of the Tax Chart
4. A copy of the Certificate of Registration with the respective Chamber
5. A Report issued by the Zoning and Construction Directorate
6. A Report issued by the Fire Brigade Directorate
7. Craftsman s Certificate
8. A copy of the Articles of Association in case of Companies
9. 2 Photographs (Seal in case of Companies)
10. A file with half-cover
11. A revenue stamp of TL 200.000

RECEIPT OF A LICENSE BY BUSINESSES WITHIN MUNICIPAL BOUNDARIES TO WORK ON SUNDAYS / HOLIDAYS

The following documents shall be required for the issuance of a license to businesses within
municipal boundaries to work on Sundays / holidays:

1. A copy of the Business License
2. 2 Photographs
3. A Tobacco Seller s Certificate for tobacco sellers

TRANSACTIONS APPLICABLE TO FOREIGN CITIZENS IN CONNECTION WITH REGISTRATION OF PERSONS AND CITIZENSHIP IN TURKEY

ACQUISITION OF CITIZENSHIP BY A FOREIGN CITIZEN

ACQUISITION BY A FOREIGN CITIZEN OF CITIZENSHIP BY LAW

Citizenship may be acquired by law also through lineage, place of birth and marriage.

LINEAGE: As a blood relationship that connects a person to parents, lineage plays a primary role in the acquisition of Turkish citizenship by a newborn. Citizenship acquired by lineage is laid down in three articles in the law:

- A- Birth
- B- Change in status
- C- Adoption

Birth: Any child born of a Turkish father or a Turkish mother in or outside Turkey shall acquire Turkish citizenship starting from birth.

Any child shall acquire Turkish citizenship by birth even if only one of the parents is a national of Turkey on the date of birth. The other parent's being a foreign citizen shall not affect the acquisition of Turkish citizenship by the child.

B. Change in Status

If any child born of a foreign mother and a Turkish father out of lawful wedlock is related by lineage by one of the following ways according to the provisions of the Civil Code to the father who is a Turkish citizen, he/she will acquire Turkish citizenship at birth:

- a) Legitimation
- b) A judgement fixing the father with the paternity of the child
- c) Acknowledgement of the child

C. Adoption

The citizenship of the adopted child shall not change by adoption. However, the adopted child shall acquire the citizenship of the adopter subject to the following conditions, provided that the child has not reached his/her majority:

- a) if the child is Stateless
- b) if the child's parents have not been identified
- c) if the whereabouts of the child's mother or father is unknown
- d) if the child is adopted by a Turkish citizen

PLACE OF BIRTH: Any child who is born in Turkey, but who can not acquire his/her parents citizenship at birth either due to the parents being unidentified or stateless or pursuant to the laws of their country shall acquire Turkish citizenship at birth.

Any child found in Turkey shall be deemed to have been born in Turkish territory unless otherwise proved.

MARRIAGE: Any foreign woman who is married to a Turkish man shall acquire Turkish citizenship by marriage subject to the following conditions and shall be issued an identity card:

- a) If she notifies in writing her desire to acquire her husband's citizenship at the time of conclusion of the marriage contract or within one month following the conclusion of the marriage contract in case of a marriage ceremony conducted before foreign authorities;
- b) If she is stateless;
- c) If her original citizenship is revoked by marriage.

ACQUISITION OF CITIZENSHIP BY A DECISION OF COMPETENT AUTHORITIES

ADMISSION TO CITIZENSHIP IN GENERAL: Any foreign citizen who intends to receive Turkish citizenship shall be granted Turkish citizenship by a decision of the Council of Ministers if he/she has all the qualifications specified in the seven items listed below. Having all of these qualifications shall not grant the applicant a final right to Turkish citizenship. As the granting of citizenship is an issue pertaining to the sovereignty of the State, the Council of Ministers has full

discretion whether or not to grant it. The qualifications sought in granting citizenship shall be as stated below. The person intending to receive citizenship

1. should have reached his/her majority according to his/her national laws if a foreign citizen, and according to Turkish laws if a stateless person;
2. should have resided in Turkey for five (5) years preceding the date of application. (See Residence of Foreigners);
3. should have confirmed his/her decision to settle in Turkey by actions such as the acquisition of immovable properties, marriage, transfer of trade or business to Turkey from other countries, investment of capital, etc.;
4. should live a moral life, i.e. should not cause any harm to the society nor make a habit or practice of any offences and acts such as theft, smuggling, forgery and swindling which are disliked by the public, and should have inculcated in his/her close circle both in the country where he/she resides and in Turkey that he/she is a person practicing his/her craft and profession as an element useful to himself/herself, to his/her family and to the society in which he/she lives. As regards general health, he/she should not carry a disease that may constitute a danger to himself/herself, the persons he/she comes into contact with and his/her close circle. This should be substantiated by a medical report issued by an official health commission;
5. should be able to speak Turkish at least to the extent that he/she may explain himself/herself and should be able to comprehend what is said. This shall be proved in writing by a Directorate of National Education.
6. should have an income or a profession that will provide an income adequate to maintain himself/herself and his/her dependents if any, in Turkey without needing the support of anyone;

RESIDENCE OF A FOREIGN CITIZEN

For a foreign citizen, the term residence means to reside in Turkey according to Turkish laws. Continuous and uninterrupted settlement shall not be sought in the two cases specified below:

- a) The residing period shall not be deemed interrupted if a foreign citizen residing in Turkey according to pertinent laws without having a domicile as specified in the Turkish Civil Code goes and stays abroad, provided that such visit and stay does not exceed six months in total within five years either at different times or at once. However, the time spent outside Turkey which does not exceed six months shall be reduced from the specified time of residence.
- b) In the event that a foreign citizen having a domicile as specified in the provisions of the Turkish Civil Code goes abroad and stays outside Turkey for treatment and education purposes or for any force majeure cause, the period of residence shall not be deemed interrupted even if the total time spent abroad exceeds six months, and the time spent abroad shall not be reduced from the residing period as the person in question has a permanent domicile in Turkey. If the person in question transfers his/her domicile from Turkey to settle elsewhere, the provisions of paragraph (a) shall apply.

EXCEPTIONAL ADMISSION TO CITIZENSHIP

Foreign citizens may exceptionally be admitted to Turkish citizenship by a decision of the Council of Ministers acting on the proposal of the Ministry of Interior. In this case, the residing time of five years and actions confirming the intent to settle in Turkey which are the most difficult requirements for foreign citizens shall not be sought. This exception shall be made for the following persons:

- a) Any child born of anyone who has lost his/her citizenship as a national of Turkey provided that the child is born after the loss of citizenship and has reached his/her majority;
- b) Any person who is officially married to a Turkish citizen and that person's children who have reached their majority;
- c) Those of Turkish descent, their spouses and children who have reached majority;
- d) Those who have come to Turkey either by receiving a regular passport, or to take refuge or in any other way and entered into a de facto relationship with a Turkish citizen, had children, decided to marry and settled in Turkey for this purpose;
- e) Those who have brought industrial plants to Turkey or have provided or will, in the opinion of the Government, provide meritorious services to Turkey in social, economic, scientific, technical or artistic fields;

f) Those to whom the granting of citizenship is considered necessary by the Council of Ministers due to political, administrative or other reasons.

In these cases, those or the institutions concerned shall apply to the Ministry of Interior and if the latter deems the exceptional procedure appropriate further to the examinations it will make, the same will be submitted to the Council of Ministers detailing the reasons thereof and action will be taken according to the decision to be taken by the Council of Ministers.

CONDITIONAL AND UNCONDITIONAL ADMISSION TO CITIZENSHIP

Foreign citizens may be admitted conditionally and unconditionally to Turkish citizenship by a decision of the Council of Ministers.

Unconditional admission to citizenship shall be effective as from the date of the decision taken by the Council of Ministers.

The decision on admission to citizenship taken by the Council of Ministers subject to a certain condition shall be effective on the date on which the Ministry of Interior determines that such condition has been fulfilled.

In the event that the required conditions have not been fulfilled within two years, the decision taken on admission to citizenship shall be revoked by the Council of Ministers acting upon the proposal of the Ministry of Interior.

HOW AND WHERE TO APPLY FOR CITIZENSHIP

The authority with which an application is to be filed for admission to citizenship is the highest administrative officer in Turkey (Provincial Directorates of Register of Births and Naturalization attached to Governorships) and the Turkish Consulates abroad.

The documents required to be submitted when applying for Citizenship are as follows:

1. Petition for citizenship (*to be received from the Provincial Directorate of Birth Register and Naturalization; See Annex: 7*)
2. A copy of residence certificate if issued

3. A certificate indicating knowledge of spoken Turkish
4. Marriage certificate
5. A medical report issued by a health commission
6. A copy of the detailed birth record of spouse and next of kins who are nationals of the Republic of Turkey
7. A document indicating the citizenship of the holder (*copy of the passport*)
8. A document indicating profession and means of subsistence

Any person who has lost his/her citizenship as a national of Turkey for any reason whatsoever and desires to be re-admitted to citizenship shall be required to submit the following documents:

1. The date on which and the reason why Turkish citizenship has been lost, and file number if available
2. A written application indicating whether the citizenship of another state has been acquired and a document indicating any change in marital status after the loss of Turkish citizenship

ADOPTION OF A TURKISH NAME AND SURNAME IN ACQUIRING TURKISH CITIZENSHIP

Any foreign citizen who desires to acquire Turkish citizenship should indicate in the application form petition the Turkish name and surname he/she has chosen to assume. Such persons shall be admitted to Turkish citizenship under this name and surname.

Therefore, it is suggested that a Turkish name and surname be assumed by those who are older than 18 years and that such a name and surname be given to those under 18 years of age by their parents or their legal representatives and that the same be entered in the application filed to acquire citizenship. However, if in spite of this warning, such persons wish to keep their names and surnames, they will acquire Turkish citizenship under their own names and surnames which shall be spelt according to Turkish literary rules.

RESULTS OF ACQUISITION OF CITIZENSHIP

Young children become Turkish citizens upon the admittance of their father to Turkish citizenship.

Any child born of a woman who has been admitted to Turkish citizenship shall become a Turkish citizen together with his/her mother unless prohibited by the national laws which the child is subject

- a) The father is dead
- b) The father can not be identified
- c) The father is stateless
- d) The child is stateless
- e) The mother has the legal custody of the child or the father is dead

REVOCAION OF ADMITTANCE TO CITIZENSHIP

The decision made on admittance to citizenship shall be revoked by the Council of Ministers if such admittance has taken place as a result of misrepresentation by the person concerned or his her failure to divulge important information.

No revocation decision may be taken after a lapse of 5 years from the date of admittance to Turkish citizenship.

MARRIAGE OF A FOREIGN CITIZEN IN TURKEY

A Turkish citizen and a foreign citizen or two foreign persons who are nationals of different countries may marry before an authorized marriage officer in Turkey.

Two foreign persons who are nationals of the same State may marry before the representative office of that State in Turkey or before authorized Turkish offices if authorized by the laws of that country.

Any foreign citizen who intends to marry before Turkish authorities may initiate marriage transactions by filing an application with the authorized marriage offices attached to Municipalities. Procedures to be followed in this respect shall be the same as those established for Turkish citizens. Marriage officers may conduct direct correspondence with Consulates General of other States or communicate with the latter through the General Directorate to have documents that provide proof of legal capacity to marry delivered.

MARRIAGE OF STATELESS PERSONS OR OF THOSE WHOSE NATIONALITY IS

UNCERTAIN: An application filed by any stateless person, refugees or foreign citizens with an irregular nationality shall be accepted by marriage officers.

Impediments to marriage, if any, shall be identified by making use of the certificate providing proof of capacity to marry as issued by the General Directorate if the respective birth registration log is kept in Turkey, or by making use of the document to be issued by the Security Department according to information included in files kept by the latter if no birth register is yet kept in Turkey.

A marriage file shall include the following documents:

1. Declaration of Marriage (*to be issued in four copies*)
2. A copy of the identity card with a photograph of the holder
3. Medical report (*to be issued by doctors employed at health institutions or centers to the man and woman who intend to marry*)
4. A certificate of consent (*A man and a woman can not marry unless they have completed the age of 17. However, a man and a woman who have completed the age of 16 may marry by the permission of a judge. A man and a woman who have completed the age of 17 may marry if permitted by a judge. Any individual whose marriage may not be effected without the consent of his/her parents or guardian on account of his/her being under age or under interdiction is required to enclose with the form-declaration a certificate of consent given by his/her parents or guardian, while filing his/her application. If a signed certificate of consent is submitted, it is required that the signatures affixed therein be certified by competent authorities to be those of the respective parent or guardian. Certificates of consent may also be signed before the marriage officer personally by parents or guardians. In such a case the signatures shall be certified by the marriage officer. The signature of one of the parents in case the other is dead and the signature of the party having the right to legal custody in case of divorce shall be adequate. If the certificate of consent is signed by the guardian, the court decision on the appointment of the guardian shall be required or shall be enclosed with the file.*)
5. Passport size photograph (*The 5 photographs to be submitted should have been taken in appropriate clothing as prescribed by laws, wearing no headgear, showing the face and the forehead in full from the front. Women may have their photograph taken wearing a scarf provided that the photo shows the face and the forehead*)
6. Certificate providing proof of legal capacity to marry (*This certificate shall be issued by Birth Registration Offices on the basis of family log records and shall include the individual s detailed personal record and impediments to marriage if any. The marriage officer shall have these documents submitted by the birth registration office which the individual concerned is registered with, to be kept in the file of the individual concerned. In the case of foreign citizens, a certificate providing proof of legal capacity to marry shall be accepted if issued by authorized central authorities or local representative offices of the State concerned and if duly certified. Such documents should indicate that the individual concerned is unmarried or that there is no impediment to marriage.*)

If any certificate providing proof of legal capacity to marry which is submitted to marriage offices has

been issued pursuant to Convention No. 20 by the competent authorities of Austria, Germany, Spain, Italy, Luxembourg, Netherlands, Portugal, Switzerland and Turkey which are parties to the Convention, then such certificate shall be enclosed with the marriage file (See Annex 2) as multi-language documents are exempt from all formalities such as certification, translation, etc. However, if there shall be any suspicion about the correctness of the document, the marriage office may require that such document be substantiated.

Pursuant to the Convention on the Elimination of Certification Obligation in Foreign Official Instruments concluded in the Hague in 1961, any document submitted by the nationals of States specified in the list annexed to the subject Convention (See Annex 3) shall be accepted if such document includes an Apostille (See Annex 4) indicating that it is a true copy of the original or if translated into Turkish and certified by a Notary Public.

Any such document issued by the Consulates General of foreign countries and submitted by nationals of States which are not parties to Convention No. 20 and the Convention on the Elimination of Certification Obligation in Foreign Official Instruments drawn up and entered into force within the framework of the Private International Law Conference held in the Hague, shall be certified by the foreign representative offices in Turkey of the State issuing such document in order to confirm correctness and to determine whether the issuing authority is authorized in this respect. It will then be translated into Turkish and certified by a Notary Public. The certification may be effected by the Ministry of Foreign Affairs if in Ankara, and if the foreign country issuing the document has a Consulate General in other provinces and if a signatory circular is available at the Governorship of that province, then certification may be effected by the Governorship of that province, and if the document has been issued by the competent authorities of a foreign country, then by the Consulate General of Turkey in that country. However, if there shall be any suspicion about the correctness of the document, the marriage office may require that the certificate providing proof of capacity to marry be substantiated.

In the event of marriage of Georgian citizens, a Certificate providing proof of legal capacity to marry, a sample of which is included in Annex 5 and 6 shall be acceptable.

A Certificate providing proof of legal capacity to marry submitted by any Russian citizen before the conclusion of the marriage contract which shall be obtained from Marriage Affairs Departments attached to the Ministry of Justice of Russia, or issued by the Foreign Representative Offices of Russia in Turkey shall be accepted.

RIGHTS OF A FOREIGN WOMAN WHO IS MARRIED TO A TURKISH MAN: An explanation shall be given at the time of marriage that any foreign woman who marries a Turkish man shall acquire Turkish citizenship by marriage and that she may state her choice in writing. She will not be forced to state her choice. A family certificate and upon request a marriage certificate in multi-languages shall be issued and delivered to the foreign citizen woman and the man who marry before competent Turkish authorities. If these foreign persons are nationals of a Member State of the International Personal Status Commission, the birth registration offices in the places of birth of these foreign citizens shall be notified of the marriage by filling in and delivering the respective card thereto. If only one of the parties is a foreign citizen, the same procedure shall be followed.

Use of the former family name by a foreign woman who acquires Turkish citizenship by marrying to a Turkish man:

The woman shall adopt her spouse's family name by marriage, however she will be entitled to use her former family name which shall precede the husband's family name if she files a written application with the marriage officer at the time of marriage or later with the birth registration office (See Annex). A woman who has formerly used two family names, may exercise this right to use only one of these names.

Property Status System Between Spouses:

A man and a woman may notify in writing the property status system of their choice, at the time an application is filed for marriage. The parties may, if they so desire, notify in writing, at the time an application is filed for marriage, either the date and number of the property system contract issued by a Notary Public or concluded between the spouses and certified by a Notary Public, which date and number shall be assigned by the Notary Public, or the name of the property system of their choice as specified in the Civil Law.

A Foreign Woman who Marries a Turkish Citizen shall Acquire Turkish Citizenship By Law if;

- a) the woman is stateless at the time of marriage,
- b) she will lose her citizenship upon marriage,
- c) in the event that marriage is effected before an authorized Turkish marriage office, she notifies, at the time a marriage contract is concluded, such office in writing of her desire to acquire Turkish citizenship and further states her intent to assume a Turkish name and family name in such notification if she so desires (See Annex 1); in the event that marriage is effected before foreign authorities (abroad) having the power to conduct marriage ceremonies, she notifies in writing her intent to acquire Turkish citizenship to Consulates abroad which have a duty to register marriages or to birth registration offices at home, within one month (30 days) starting from the date of marriage contract.

Accordingly;

If the marriage ceremony is conducted by a Turkish marriage officer in Turkey;

- a) The application shall include identity information and shall be signed and submitted to the marriage officer during the execution of the marriage contract.

- b) If the statement is written in a foreign language, it shall be translated into Turkish before a Notary Public by a certified translator, shall be certified, signed by the individual making the statement and submitted.
- c) If the statement is written in Turkish and the individual making the statement has no knowledge of spoken and written Turkish, the statement written in Turkish shall be translated into the official language of the individual's country before a Notary Public by a certified translator, shall be certified, signed by the individual and submitted, provided that such language is the official language of a State recognized by the Republic of Turkey.
- d) If the individual making the statement states that he/she has knowledge of spoken and written Turkish, the individual shall read and sign the text of the statement written in Turkish and the marriage officer shall certify that the individual has knowledge of spoken and written Turkish. (See Annex 1)

ACCEPTANCE AND ISSUANCE OF DOCUMENTS

According to the Convention on the issuance of birth registration records in multi-languages (Convention No XVI);

Copies of registration records for birth, marriage or death shall be issued according to formats A, B and C (See Annex 9, 10 and 11) annexed to this Convention, if requested by any party concerned or if the use of such document necessitates a translation.

Each Contracting State shall issue such copies of registration records to those individuals entitled to receive a true copy of the original registration records. Documents pertaining to Civil Status in multi-languages which may be requested for any transaction to be conducted in connection with the Convention shall be exempt from certification in the country of each Contracting State, provided that the signature and seal of the issuing authority is affixed thereon.

Countries which have ratified the Convention: Austria, Spain, France, Italy, Luxembourg, Netherlands, Portugal, Switzerland, Turkey, Yugoslavia, Slovenia, Croatia, Macedonia, Bosnia-Herzegovina, Germany, Belgium