

## 76. Turkey

### (a) CONSTITUTION OF 10 JANUARY 1945.<sup>1</sup>

*Article 88.* The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

The following persons are Turkish citizens:

A person, whether born in Turkey or abroad, whose father was at the time of the birth a Turkish citizen;

A person born in Turkey whose father was, at the time of the birth, an alien domiciled in Turkey, if that person is domiciled in Turkey and on attaining the age of majority opts for Turkish citizenship;

A person to whom Turkish citizenship is granted by legislative enactment.

A person shall cease to be a Turkish citizen in the circumstances defined by legislative provision.

### (b) ACT NO. 1041 OF 23 MAY 1927 CONCERNING THE DEPRIVATION OF TURKISH CITIZENSHIP OF OTTOMAN SUBJECTS WHO DO NOT FULFIL CERTAIN CONDITIONS <sup>1</sup>.

*Article 1.* The Council of Ministers may deprive of Turkish citizenship Ottoman subjects who did not take part in the national independence movement and who remained outside Turkey from 24 July 1923 to the date of publication of this Act and have not returned.

Persons who have opted for Turkish citizenship under existing treaties shall not be affected by this provision.

### (c) ACT NO. 1312 OF 28 MAY 1928 <sup>1</sup> AS AMENDED ON 6 APRIL 1929.

#### CHAPTER 1

#### *Citizenship by birth or by naturalization— parentage and place of birth*

*Article 1.* A child born in Turkey or abroad is a Turkish citizen if his father or his mother was at the time of the birth a Turkish citizen.

*Article 2.* The following children are Turkish citizens:

(a) Children born in Turkey of unknown parents;

(b) Children born in Turkey if either or both their parents did not possess a nationality at the time of their birth;

(c) Children born out of wedlock in Turkey or abroad, of a Turkish father or mother.

#### *Alien children born in Turkey*

*Article 3.* A person born in Turkey of an alien father and an alien mother and domiciled in Turkey may apply for Turkish citizenship within three years after attaining the age of majority according to Turkish law and acquire the said citizenship by a decision of the Council of Ministers.

<sup>1</sup> Translation by the Secretariat of the United Nations.

*Children of aliens born in Turkey*

*Article 4.* A person born in Turkey as from 1 January 1929 of an alien born in Turkey is a Turkish citizen. Any such person may by option acquire the citizenship of his father or of his mother within six months after attaining the age of majority according to Turkish law. In such cases the provisions of article 8 shall apply. The foregoing provisions shall not apply to the children of foreign ambassadors, or of officials and attachés of embassies, or to the children of consuls *de carrière* or of consular officials who are nationals of the State which they serve.

*Naturalization*

*Article 5.* An alien who has been resident in Turkey for five consecutive years and who according to the law of his country has attained the age of majority may apply for Turkish citizenship; the said citizenship may be granted to him by the Council of Ministers. If Turkish citizenship is granted to a person, his (or if that person is a widow, her) minor children shall likewise acquire Turkish citizenship.

*Naturalization for exceptional reasons*

*Article 6.* As an exceptional measure, Turkish citizenship may be granted by decision of the Council of Ministers to an alien who does not fulfil the conditions governing residence stipulated in the foregoing article, but who is deemed worthy of this special favour.

## CHAPTER II

*Surrender of citizenship, deprivation of citizenship. Effects*

*Article 7.* A person may not surrender Turkish citizenship without special authorization. This authorization may be granted by the Council of Ministers upon an application made to the Ministry of the Interior by the person wishing to surrender the said citizenship. The authorization shall not be granted to any person who has not performed his military service.

*Transfer of domicile and centre of business. Liquidation*

*Article 8.* A Turkish citizen who has obtained special authorization to adopt a foreign citizenship shall be required to leave Turkey within one year from the date of the said authorization, to remove his domicile and centre of business from Turkey, and to liquidate his assets in Turkey. If he fails to leave Turkey and to liquidate his assets within this period he shall be expelled and his assets liquidated by the Government. If he should wish to return to Turkey the Council of Ministers may, upon the report of the consulate to which the application has been made, grant him permission to return for a single visit the duration of which shall not exceed three months.

*Causes of deprivation of citizenship*

*Article 9.* If a Turkish citizen adopts a foreign citizenship by some voluntary act without obtaining special authorization or voluntarily

performs military service in the army of a foreign country, he may be deprived of Turkish citizenship by a decision of the Council of Ministers.

*Article 10.* If a Turkish citizen enters a non-military service of a foreign State and fails to leave this service within a specified period after being directed to leave it by the local authorities or by Turkish embassies and consulates abroad, and any person who continues to serve without authorization a State which is at war with Turkey, shall be liable to be deprived of his Turkish citizenship.

The Government may deprive a person of his Turkish citizenship if, during the period of mobilization, he fails without excuse to comply with an official summons communicated through the regular channel for the performance of compulsory military service, or deserts while on his way to join his unit, or after joining his unit, and fails to return within the period specified by law and cannot produce evidence to rebut the presumption that he fled to a foreign country; or, being a member of the armed forces or liable to military service, he goes on leave of absence for reasons of health or on duty and fails to return without excuse after the expiration of the time allowed, whereupon he shall be deemed to be a deserter; or, being a Turkish citizen resident abroad, he fails to register with the Turkish consulates for more than five years.

#### *Deprivation of citizenship granted by naturalization*

*Article 11.* The Council of Ministers may deprive of Turkish citizenship a person who was formerly an alien and to whom Turkish citizenship has been granted, if that person:

(a) Carries on any activities or commits any acts prejudicial to the internal and external security of the Turkish Republic; or

(b) Refuses to perform the obligations imposed by the legislation governing military service.

#### *Prohibition of return. Liquidation*

*Article 12.* A person who is deprived of Turkish citizenship shall be expelled if in Turkey. A person deprived of Turkish citizenship may not return to Turkey. The assets of any such person are liable to liquidation by the Government.

### CHAPTER III

#### *Effect of marriage on citizenship and reinstatement*

*Article 13.* An alien woman who marries a Turkish citizen becomes a Turkish citizen. A woman who is a Turkish citizen shall not, by reason of her marriage to an alien, cease to be a Turkish citizen. If an alien woman marries a Turkish citizen, the citizenship of children born to her of a previous marriage with an alien shall not be affected. Nevertheless, if their father has died, the minor children shall follow the citizenship of their mother.

A woman who was formerly an alien and who has changed her citizenship by marriage, shall have the right to recover her original citizenship

within a period of three years from the date of separation due to the termination of the marriage for any reason whatsoever. Nevertheless, if any such woman wishes to recover her foreign citizenship she shall be required to remove her domicile from Turkey if no child was born to her of her marriage with a Turkish citizen.

#### *Recovery of citizenship*

*Article 14.* A Turkish citizen who adopted a foreign citizenship with the special authorization of the Government may, upon making an application and by a decision of the Council of Ministers, recover Turkish citizenship without having to fulfil the conditions governing residence. The children of a person who has adopted a foreign citizenship with authorization, or of a person who was deprived of Turkish citizenship by virtue of this Act, may, without having to fulfil the conditions governing residence, apply for Turkish citizenship which may be granted to the said children by a decision of the Council of Ministers.

*Article 15.* With the exception of the provisions of Act No. 1041, of 23 May 1927, all provisions inconsistent with this Act are hereby repealed.

*Article 16.* This Act shall become operative on 1 January 1929.

*Article 17.* The Council of Ministers is responsible for carrying this Act into effect.

### **77. Union of Soviet Socialist Republics**

#### *(a) SOVIET CITIZENSHIP ACT NO. 198 OF 19 AUGUST 1938.*

*Article 1.* In conformity with article 1 of the Constitution (Fundamental Law) of the Union of Soviet Socialist Republics a single union citizenship is established for the citizens of the USSR.

Each citizen of a Union Republic is also a citizen of the USSR.

*Article 2.* The following persons are citizens of the USSR:

*(a)* A person who on 7 November 1917 was a citizen of the former Russian Empire and who has not lost Soviet citizenship;

*(b)* A person who has acquired Soviet citizenship in a manner established by law.

*Article 3.* Upon making an application an alien, irrespective of his nationality or race, may be admitted to the citizenship of the USSR by the Presidium of the Supreme Council of the USSR or by the Presidium of the Supreme Council of the Union Republic in which he resides.

*Article 4.* Denaturalization of the citizens of the USSR may take place by permission of the Supreme Council of the USSR.

*Article 5.* Matrimony by a citizen of the Union of Soviet Socialist Republics with one not such a citizen entails no change of citizenship.

*Article 6.* In case of a change of citizenship by both parents when both of them become citizens of the USSR, or when both of them cease