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Acquisition of citizenship by investment (*ius pecuniae*): the case of Turkey

Abstract: It's an indisputable fact that economic challenges are widely seen all around the world in the 21st century. Unfortunately, these challenges more seriously affect small and mid-size economies. In order to lure in more capital, countries often offer permanent residency or even citizenship to foreign investors. Several national laws provide for simplified naturalization procedures in certain cases. In some countries, residency is required before applying for citizenship, however, some others allow investors to acquire citizenship without previous residency. In order to make it easier for investors to acquire Turkish citizenship, the Turkish legislator has adopted the institution of extraordinary naturalization based on investment. This paper explains briefly the acquisition methods of Turkish citizenship, and following this, it examines the issue of citizenship by investment in Turkey. Last but not least, it gives suggestions how to improve the current regulation taking into consideration practices of other states.

Keywords: naturalization, citizenship, investment, *ius pecuniae*, Turkey

1. Introduction

Under international law, citizenship can be defined as a legal and political bond, which binds individuals to states.¹ This bond creates rights and obligations both for individuals and the state,

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¹ Doğan (2017) 5; Nomer (2018) 3; Aybay, Özbek and Ersen-Perçin (2019) 4; Güngör (2019) 1; Yılmaz (2018) 192; Gölcüklü (2020) 128.

such as diplomatic patronage, right to elect and be elected, etc.² Granting citizenship to foreigners who have helped the state financially by investing, buying government bonds or buying real estate is a route usually used by countries in financial difficulty. Foreigners who acquired citizenship in this way, lot of times reside in other country and have no strong bond to the country of newly acquired citizenship.

There are mainly two types of citizenship by investment programs in comparative law: investor citizenship programs with residency condition and direct investor citizenship program. In the investor citizenship program with residency condition the foreigner obtains residence permit as a first step. Following a certain prescribed time, the residence permit is extended, and finally the foreigner obtains citizenship.³ So, under this program, obtaining residence permit is a pre-requisite for acquisition of the citizenship.⁴ For example, in the USA the EB-5 Visa program was introduced in 1990⁵, under which foreigner has to invest minimum \$500.000 in fields of agriculture or other economic fields in which unemployment is an issue.⁶ Based on this, the foreigner obtains a conditional green card for two years.⁷ A permanent residence permit is granted if during this period the foreigner provides full-time employment for ten persons at least.⁸ If the foreigner wants to acquire the USA citizenship through the EB-5 program, the foreigner must be actually present in the USA for half of the first two years of residency.⁹

² Kaya (2021) 116; Yılmaz (2018) 192; Gölcüklü (2020) 128.

³ Yılmaz (2018) 197.

⁴ Yılmaz (2018) 197.

⁵ Schneider and Diaz-Cortes (2017) 37.

⁶ Schneider and Diaz-Cortes (2017) 37.

⁷ Schneider and Diaz-Cortes (2017) 37.

⁸ Yılmaz (2018) 199.

⁹ Yılmaz (2018) 199.

In the direct investor citizenship program, there is no need to obtain residence permit to get the citizenship.¹⁰ In other words, as soon as the foreigner meets the requirements, he or she can apply for the acquisition of the citizenship. For example, St. Kitts and Nevis has been implementing investor citizenship program since 1984.¹¹ Foreigners should invest into real estate at least \$400.000 (and keep it for seven years) or donate at least \$150.000 to a public institution.¹²

One of the most controversial examples related to citizenship by investment in the EU can be seen in Malta. The Maltese legislators amended the Maltese Citizenship Act in 2013. Under the Individual Investor Programme, foreigners who donate EUR650.000 to the National Development and Social Fund and to the government, are entitled to obtain Maltese citizenship without residency requirement.¹³ In addition to the above-mentioned investment, it is also required to invest into one of the following: (1) purchasing real estate in the amount of at least EUR350.000 and holding it for minimum five years, (2) renting real estate for at least EUR16.000/per year, (3) investing EUR150.000 into a project (such as the purchase of government bonds) determined by the Maltese state authorities, provided that it is not disposed of for five years.¹⁴

This program resulted in a huge debate in the EU, and in 2014 the European Parliament resolution on EU citizenship for sale was published.¹⁵ In this resolution, the Parliament emphasized the value of EU citizenship and being European. Thus, the Parliament warned all EU Member States, with a special focus

¹⁰ Yılmaz (2018) 201.

¹¹ Yılmaz (2018) 201.

¹² St. Kitts and Nevis Citizenship (2021).

¹³ Carrera (2014) 3.

¹⁴ Carrera (2014) 3, 4.

¹⁵ European Parliament Resolution (2014).

on Malta, and highlighted the consequences of EU citizenship (such as free movement of people, the privilege of obtaining EU passport, entering into Schengen zone without visa etc.), and recommended that Member States should regulate these programs stricter.¹⁶

In this paper first we explain briefly the acquisition methods of Turkish citizenship, and following this, examine the issue of citizenship by investment in Turkey.

2. Turkish citizenship

According to art. 66/1 of the Turkish Constitution, which is entitled “*Turkish Citizenship*”, “*Everyone bound to the Turkish State through the bond of citizenship is a Turk.*”. Although there has been disputes over the perception of the meaning of “Turk”, it’s generally accepted in the Turkish legal doctrine that the word “Turk” includes every type of race, ethnical groups if they have Turkish citizenship.¹⁷

Art. 66/3 of the same document provides that “*Citizenship can be acquired under the conditions stipulated by law, and shall be forfeited only in cases determined by law.*”. The main legal document regulating acquisition and loss of Turkish citizenship is the Turkish Citizenship Act (hereinafter: TCA) No. 5901.¹⁸ The Regulation on the Implementation of the Turkish Citizenship Act (hereinafter: Regulation) was adopted in 2010 in order to determine the procedures and principles to be applied in the execution of transactions regarding the acquisition, loss

¹⁶ European Parliament Resolution (2014).

¹⁷ For further information, Doğan (2017) 16-24; Nomer (2018) 58-62; Aybay, Özbek and Ersen-Perçin (2019) 70-72; Güngör (2019) 50-51.

¹⁸ Turkish Citizenship Act (2009).

and proof of Turkish citizenship and multiple citizenship and to ensure uniform practice.¹⁹

According to art. 5 of the TCA “*Turkish citizenship is acquired by birth or after birth.*”. Acquiring citizenship by birth is the main or fundamental way. Citizenship by birth (*ius originis*) is based on law, that is to say on descent (*ius sanguinis* – art. 7 of the TCA) or place of birth (*ius soli* – art. 8 of the TCA).²⁰ A person who acquires Turkish citizenship by one of the above-mentioned ways is called a citizen.²¹ The incidence of birth plays an essential and important role for the determination of citizenship.²² In other words, citizenship by birth is self-acquired and comes into effect from the moment of birth.

Acquisition of citizenship based on the principle of *ius sanguinis* requires a Turkish citizen mother and/or father, to whom he or she is bound by lineage.²³ According to art. 7 of the TCA “(1) *A child born in or out of Turkey to a Turkish citizen mother or father in a marriage union is a Turkish citizen. (2) A child born out of marriage union to a Turkish citizen mother and a foreign father is a Turkish citizen. (3) A child born outside the marriage union of a Turkish citizen father and a foreign mother acquires Turkish citizenship if the procedures and*

¹⁹ The Regulation on the Implementation of the Turkish Citizenship Act (2010).

²⁰ Doğan (2017) 31; Nomer (2018) 66; Aybay, Özbek, and Ersen-Perçin (2019) 90-91; Güngör (2019) 56; Kaya (2021) 116; Gölcüklü (2020) 130.

²¹ Doğan (2017) 31; Nomer (2018) 67; Aybay, Özbek, and Ersen-Perçin (2019) 93; Güngör (2019) 57.

²² Doğan (2017) 31; Nomer (2018) 67; Aybay, Özbek, and Ersen-Perçin (2019) 93; Güngör (2019) 57.

²³ Doğan (2017) 40; Nomer (2018) 68; Aybay, Özbek, and Ersen-Perçin (2019) 96; Güngör (2019) 60.

*principles that ensure the establishment of lineage are fulfilled.”.*²⁴

Ius soli principle is the type of acquisition that is based on the territorial relationship between the person and the country of birth.²⁵ This is accepted by the Turkish law, thus, according to art. 8 of the TCA “(1) *A child born in Turkey who cannot acquire citizenship of any country by birth due to foreign parents is a Turkish citizen from birth. (2) A child who has been in Turkey is deemed to have been born in Turkey, unless otherwise proven.*”.

Another way of acquisition of Turkish citizenship is by naturalization. Acquisition of citizenship by naturalization is citizenship acquired by a person after his or her birth for a reason other than birth.²⁶ Just like citizenship by birth, this is also continuous.²⁷ The Turkish legal system does not differentiate between citizenship by birth and citizenship acquired after birth by naturalization in terms of rights and obligations.²⁸ In other words, there is no difference regarding the legal status of a Turkish citizen, whether he or she has acquired his or her citizenship by birth or after birth by naturalization. Art. 9 of the TCA provides that Turkish

²⁴ Lineage shall be set up via art. 16 of Turkish International Law and Procedural Law Act (Turkish PILA) no. 5718. The establishment of the lineage is subject to the national law of the child at the time of birth, and if it cannot be established, the law of the habitual residence of the child applies; According to the Turkish law, there are three ways to establish the lineage: marriage, acknowledgement of child (*actio de liberis agnoscendis*) and paternity suit. Doğan (2017) 48-54; Nomer (2018) 69-72; Aybay, Özbek, Ersen-Perçin (2019) 97-101; Güngör (2019) 62-68.

²⁵ Doğan (2017) 54; Nomer (2018) 72; Aybay, Özbek, Ersen-Perçin (2019) 101; Güngör (2019) 69.

²⁶ Doğan (2017) 59; Nomer (2018) 75; Aybay, Özbek, Ersen-Perçin (2019) 106; Güngör (2019) 76; Kaya (2021) 116.

²⁷ Doğan (2017) 59; Güngör (2019) 76.

²⁸ Doğan (2017) 59; Güngör (2019) 76.

citizenship shall be acquired after birth either by a decision of the competent authority or by adoption or by exercising the right of choice.²⁹ Naturalization can be ordinary naturalization (art. 11 of TCA)³⁰, extraordinary naturalization (art. 12 of TCA), re-acquisition of Turkish citizenship without stipulating the residence condition (art. 13 of TCA³¹), re-acquisition of Turkish citizenship with residence condition (art. 14 of TCA³²), and naturalization by marriage (art. 16 of TCA³³). In the following

²⁹ However, it should be noted, that even though the potential applicant fulfils all the requirements for acquiring citizenship by naturalization, the competent authority does not have to grant it automatically. (art. 10/1 of TCA).

³⁰ *“(1) Foreigners who wish to acquire Turkish citizenship; a) The legal age and capacity to discriminate according to his/her national law or, if he/she is stateless, according to Turkish law to have, b) To reside in Turkey for an uninterrupted period of five years prior to the date of application, c) confirming by his/her behavior that he/she has decided to settle in Turkey, ç) Not having a disease that poses a danger to general health, d) Having good morals, e) To speak Turkish sufficiently, f) To ensure the subsistence of himself/herself and his/her dependents in Turkey have an income or occupation, g) Not having any situation that would constitute an obstacle in terms of homeland security and public order conditions are required.”*

³¹ *“(1) Provided that there is no obstacle in terms of homeland security, the following persons may re-acquire Turkish citizenship by a decision of the President, regardless of the duration of their residence in Turkey. a) Those who lost their Turkish citizenship by obtaining an exit permit. b) Those who lost their Turkish citizenship due to their parents may regain Turkish citizenship by a decision of the Ministry in accordance with Article 21 those who do not exercise their right to vote within the period stipulated in the article.”*

³² *“Those who have lost Turkish citizenship pursuant to Article 29 may re-acquire Turkish citizenship by Presidential decree, and those who have lost Turkish citizenship pursuant to Article 34 may re-acquire Turkish citizenship by Presidential decree, provided that they do not pose an obstacle in terms of homeland security and reside in Turkey for three years.”*

³³ *“(1) Marriage to a Turkish citizen does not directly acquire Turkish citizenship. However, foreigners who have been married to a Turkish citizen for at least three years and whose marriage continues may apply to acquire Turkish citizenship. The applicants shall be required to: a) live in family unity, b) not engage in any activity incompatible with the union of marriage, c) not*

part of this paper, the acquisition of Turkish citizenship by investment (*ius pecuniae*), *i.e.*, extraordinary naturalization (art. 12 of TCA), is explained in detail.

3. Acquisition of Turkish citizenship by investment (*ius pecuniae*)

It is an indisputable fact that economic challenges are widely seen all around the world in the 21st century. Unfortunately, these challenges more seriously affect small and mid-size economies. In order to lure in more capital, developing countries often offer permanent residency or even citizenship to foreign investors. Several national laws provide for simplified naturalization procedures in certain cases.³⁴ For instance, Montenegro offers investment visas, Portugal and Malta offer so-called golden visas, and so on. In some countries residency is required before applying for citizenship, however, some others allow investors to acquire citizenship without previous residency.

Turkey also offers special residence permits based on investment, as well as citizenship. According to art. 12 of the TCA:

The following foreigners may acquire Turkish citizenship by the decision of the President of the Turkish Republic, provided that they do not have an obstacle to homeland

have any condition that would constitute an obstacle in terms of national security and public order.

(2) In case the marriage is terminated due to the death of the Turkish citizen spouse after the application, the condition in subparagraph (a) of the first paragraph shall not be sought.

(3) Foreigners who acquire Turkish citizenship through marriage shall retain their Turkish citizenship in case the marriage is declared null and void if they were in good faith in the marriage.”

³⁴ Kaya (2021) 116; Shachar and Hirschl (2014) 231.

security and public order: ... b) Foreigners who have a residence permit pursuant to subparagraph (j) of the first paragraph of Article 31 of the Law on Foreigners and International Protection dated 4/4/2013 and numbered 6458, and foreigners holding Turquoise Card and their foreign spouses, minor or dependent foreign children of themselves and their spouses.

In order to make it easier for investors to acquire Turkish citizenship, the Turkish legislator has adopted the institution of extraordinary naturalization³⁵ or citizenship by investment (*ius pecuniae*)³⁶. The idea behind *ius pecuniae* is to grant Turkish citizenship to foreigners who can contribute to Turkey's economic and social life (solving problems related to migration, promoting foreign investment, increasing employment in Turkey or meeting the need for a qualified labour force).³⁷ The preconditions of acquiring Turkish citizenship through extraordinary naturalization are investment and fulfilling homeland security and public order requirements.³⁸ It means that a foreigner can obtain Turkish citizenship with the President's decision if there are no such obstacles. However,

³⁵ According to the TCA, there are four ways for extraordinary naturalization: a) Persons who bring industrial facilities to Turkey or who have rendered or are expected to render extraordinary services in scientific, technological, economic, social, sportive, cultural, artistic fields and for whom a reasoned proposal is made by the relevant ministries, b) Foreigners who have obtained a residence permit pursuant to subparagraph (j) of the first paragraph of art. 31 of the Law on Foreigners and International Protection No. 6458 dated 4/4/2013 and numbered 6458, foreigners holding Turquoise Cards and their foreign spouses, and their minor or dependent foreign children, c) Persons deemed necessary to be naturalized, d) Persons recognized as immigrants. Since subtitles a, c and d are beyond the scope of this study, they will only be mentioned by name.

³⁶ Doğan (2017) 77; Küpe (2021) 413; Nomer (2018) 88; Güngör (2019) 100; Kaya (2021) 123; Yılmaz (2018) 207; Gölcüklü (2020) 131.

³⁷ Doğan (2017) 77; Küpe (2021) 414; Nomer (2018) 89; Güngör (2019) 100.

³⁸ Doğan (2017) 78-79; Nomer (2018) 88-89; Güngör (2019) 101; Yılmaz (2018) 208.

these latter conditions are relatively vaguely regulated by the TCA implementation Regulation.³⁹ In our view, the lack of concretization of conditions specified in the TCA by the Regulation is contrary to the principle of legality and the Constitution.⁴⁰ In order to protect Turkey and the value of Turkish citizenship, there should be provisions which require stronger link between Turkey and the foreigner who wants to acquire Turkish citizenship.

There is uncertainty whether the applicant must be of full age or not. According to one view in Turkish doctrine, the applicant (foreigner) is not required to be of full age and sound state of mind.⁴¹ Other view upholds that there is a gap in law related to this issue.⁴² In our opinion, since the right to application to acquisition of Turkish citizenship is one of the strictly bounded

³⁹ Art. 72/5 of the Regulation: *“As a result of the research carried out by the relevant institutions, it was found that he was engaged in activities aimed at overthrowing the state order established by the Constitution, that he cooperated with or financially supported those who were engaged in these activities, that he was engaged in activities related to crimes against the indivisible integrity of the Republic of Turkey with its country and nation, at home or abroad, within the scope of the Anti-Terror Law No. 3713, those who have been found to have participated in the crimes of rebellion, espionage and treason, arms and narcotics smuggling, human smuggling and human trafficking, or to have been in contact with them, and those who have been deferred, statute of limitations, suspended, deferred pronouncement of judgment, converted into money or pardoned, except for negligent crimes Those who are sentenced to imprisonment for more than six months, even if they have been convicted, cannot acquire Turkish citizenship.”*

⁴⁰ For further information, Erkan (2019) 329-356.

⁴¹ Güngör (2019) 101; Küpe (2021) 420.

⁴² Nomer (2018) 89; Küpe (2021) 421. According to the Küpe’s view, on the grounds of the Regulation art. 64/2, it’s possible to conclude that citizenship applications of minors and lack of mental competence shall be made by parents or guardians. Doğan (2017) 80. Doğan also points out that application for citizenship is one of the strictly bound right to that person. For that reason, people with partial disability and absolute disability shall not apply for acquisition of Turkish citizenship on their own.

rights to the person, the person must be of full age and of sound state of mind.

Getting back to art. 12 of the TCA, the first group regulated under art. 12/1-b are foreigners who have short term residence permit on the grounds of art. 31/1-j of the Law on Foreigners and International Protection.⁴³ Actually this type of group is accepted in 2016 with International Labour Law which made amendments to the Law on Foreigners and International Protection.⁴⁴ According to art. 31/1-j of Law on Foreigners and International Protection, foreigners who do not work in Turkey, but are willing to invest within the scope and amount determined by the President, and their foreign spouses, minors or dependent foreign children can obtain short-term residence permit. Thus, for this method of acquisition of Turkish Citizenship, valid residence permit is also needed.

One of the major legal problems related to art. 12/1-b of the TCA is the application time for foreigners once she or he got her or his residence permit, because it is not regulated by the law. There are mainly two views in Turkish doctrine. One view argues that as soon as the foreigner ensures the thresholds, she or he can apply for Turkish citizenship immediately.⁴⁵ However, it should not be forgotten that short term residence permit is given maximum for five-year term according to art. 31/5 of Law on Foreigners and International Protection. The other view supports that the foreigner must be actually present in Turkey.⁴⁶ In our opinion, for all types of investments, the foreigner's presence and residence in Turkey for a certain period of time should be required.⁴⁷ Thus, a real connection between

⁴³ The Law on Foreigners and International Protection (April 2013).

⁴⁴ The International Labour Force (July 2016).

⁴⁵ Kaya (2021) 124; Küpe (2021) 424.

⁴⁶ Yılmaz (2018) 211.

⁴⁷ Küpe (2021) 424.

the foreigner and the Turkish society and Turkey will be established. Furthermore, there will be no obstacle to granting citizenship through the facilitated route, because in addition to the investment, only the fulfilment of homeland security and public order conditions are required here.

The other important legal problem related to art. 12 /1-b of the TCA is the issue of dependent children. Apart from minors, the term of “dependent children” is also used several times in the law, however, there is no definition neither in the TCA nor in the Law on Foreigners and International Protection.⁴⁸ Thus, the term “child” is used in the sense of persons/children who is related to the parent. In our opinion, this term (“dependent children”) needs to be understood as adult child economically dependent on the applicant.⁴⁹ Economic and physical dependencies should be considered while interpreting ‘dependent children’.⁵⁰

Investment types and thresholds are regulated in Regulation on Application of Turkish Citizenship Law art. 20. The President has the discretion to decide investment types and thresholds. When the regulation is analysed, foreigners who invest a fixed capital and create employment will be able to take exceptional initiatives to acquire Turkish citizenship if they document the investment with the relevant Ministry.⁵¹

After the coming into force of the Regulation on investment types and thresholds, three major amendments were made to it between 2016 and 2022. There are several types of investments offered to foreigners who want to acquire Turkish citizenship

⁴⁸ Küpe (2021) 425; Güngör (2019) 107.

⁴⁹ This view is also supported by: Güngör (2019) 104, 107; Küpe (2021) 426; Yılmaz (2018) 210.

⁵⁰ Küpe (2021) 426; Güngör (2019) 107.

⁵¹ Doğan (2017) 81.

through investment, like fixed capital investment, investment into real estate, and so on. The following table shows investment types and the change of the thresholds:⁵²

| Investment type | First threshold ⁵³ | Second threshold ⁵⁴ | Third threshold ⁵⁵ |
|--|-------------------------------|--------------------------------|-------------------------------|
| Fixed capital investment | 2.000.000 USD | 500.000 USD | 500.000 USD |
| Real estate purchase/promise | 1.000.000 USD | 250.000 USD | 400.000 USD |
| Creation of employment | 100 person | 50 person | 50 person |
| Deposit in Turkish banks | 3.000.000 USD | 500.000 USD | 500.000 USD |
| Purchase of governmental debt instruments | 3.000.000 USD | 500.000 USD | 500.000 USD |
| Real estate investment fund or venture capital investment fund ⁵⁶ | 1.500.000 USD | 500.000 USD | 500.000 USD |
| Investing in the private pension system ⁵⁷ | - | - | 500.000 USD |

Investment types and thresholds under the Regulation on the Implementation of the Turkish Citizenship Act (prepared by the author)

⁵² Küpe (2021) 418; the Regulation on the Implementation of the Turkish Citizenship Act (February 2010), art. 20.

⁵³ The Amending Regulation on the Implementation of the Turkish Citizenship Act (December 2016).

⁵⁴ The Amending Regulation on the Implementation of the Turkish Citizenship Act, (September 2018).

⁵⁵ The Amending Regulation on the Implementation of the Turkish Citizenship Act (May 2022).

⁵⁶ This type of threshold came into power in 2017. The Amending Regulation on the Implementation of the Turkish Citizenship Act (March 2017).

⁵⁷ This type of threshold came into power in 13 May 2022. The Amending Regulation on the Implementation of the Turkish Citizenship Act (May 2022).

The effective selling rate and/or cross-exchange rate of the Central Bank of the Republic of Turkey on the date of decision is taken as the basis in determining the monetary values specified in the investment in the purchase of real estate if done in other currency. Apart from this, in the case of other investment types, the amounts should be exchanged into Turkish Lira and must be sold to a Turkish bank or to the Central Bank of Turkey. The exchange rate is decided by the Central Bank of Turkey.

Based on the above data it can be said that Turkish citizenship can be acquired by foreign investors for a relatively low amount.⁵⁸ In addition, only a short-term residence is required.⁵⁹ Here, we would like to mention, that although there are various options for acquiring citizenship by investment, real estate purchase is the most frequently used by foreigners. In December, Istanbul took the first place in housing sales to foreigners with the sale of 3300 properties. Antalya took the second place with 827 property sales and Ankara took the third place with 489 property sales, respectively. However, currently there is no data how many of these sales are related to acquisition of Turkish citizenship.⁶⁰ According to the nationality of the country, the most residential sales were made to Iranian citizens in 2021. Iranian citizens bought 10056 properties in Turkey in 2021. Iran was followed by the citizens of Iraq with 8661 residences and the citizens of the Russian Federation with 5379 residences.⁶¹

The second group regulated under art. 12/1-b of TCA are foreigners holding Turquoise Card and their foreign spouses, minors or dependent foreign children. According to the art. 3/1-

⁵⁸ For comparison please see 1. Introduction.

⁵⁹ Gölcüklü (2020) 135.

⁶⁰ Source: Turkish Statistical Institute (2021).

⁶¹ Source: Turkish Statistical Institute (2021).

ğ of International Labour Law, Turquoise Card ensures indefinite work permit to its holder and residence permit to spouse and children for whom they are responsible.⁶²

⁶² Art. 11 of the International Labour Law regulates Turquoise Card issue in detail. (“(1) *In line with the international labour policy, a Turquoise Card shall be issued to foreigners whose applications are deemed appropriate based on their educational level, professional experience, contribution to science and technology, the impact of their activities or investments in Turkey on the national economy and employment, and the recommendations of the International Labour Policy Advisory Board and the procedures and principles determined by the Ministry.* (2) *The Turquoise Card shall be issued with a transition period of the first three years. During the transition period, the Ministry may request information and documents from the employer or foreigner regarding the activities carried out. The transitional period record on the Turquoise Card that is not cancelled within the transitional period in accordance with Article 15 shall be removed upon the application of the foreigner and an indefinite Turquoise Card shall be issued. This application shall be made one hundred and eighty days before the expiration of the transition period, in any case before the expiration of the transition period. After the expiry of this period, the application for removal of the transitional period shall be rejected and the Turquoise Card shall become invalid.* (3) *The spouse and dependent children of the Turquoise Card holder foreigner, according to the provisions of the legislation, shall be given a document indicating that they are relatives of the Turquoise Card holder and replacing the residence permit.* (4) *The Turquoise Card holder foreigner shall benefit from the rights provided by the indefinite work permit regulated in this Law.* (5) *In the Turquoise Card application; those who have internationally recognized studies in the academic field, those who have come to the forefront in a field considered strategic for our country in science, industry and technology, or those who make or are envisaged to make a significant contribution to the national economy in terms of export, employment or investment capacity shall be considered as qualified foreigners.* (6) *The provisions of this Article shall not apply to foreigners under temporary protection.*.”); It’s not so wrong to say that the Turquoise Card is the Turkish version of the EU’s blue card. Further more information related to EU’s Blue Card, please see EU Immigration Portal (2021); Foreigners who can obtain Turquoise Card are also considered as qualified foreigners for citizenship. See, Güngör (2019) 106; The Turquoise Card Regulation (2017), Turkey, regulates qualified foreigners into five groups: (1) foreigners who are considered to be highly qualified workforce, (2) foreigners who are considered to be highly qualified investors, (3) highly qualified scientists and

4. Conclusions and suggestions

The perception behind citizenship by investment has been criticized for discrediting states and their citizenships. Therefore, it is clear that regulation that is not clear but at the same time paves the way for the acquisition of Turkish citizenship by investing in instruments might damage the reputation of Turkish citizenship.⁶³

The major reason of countries' facilitation of granting citizenship to foreigners for investment is to maintain internal economic vitality. However, the main criticism of citizenship by investment is regarded the claim that citizenship is granted without a real bond between the individual and the state. Normally, in granting of citizenship, the foreigner's integration into the relevant state (society) is sought through various criteria.⁶⁴ If the foreigner has no other link to the country (such as marriage or adoption for example), this link is usually established through residence.⁶⁵ It also comes to the fore in the determined investment type. Recognition of citizenship by soft criteria developed as a result of the imposition of markets does not match with the definition and essence of citizenship. Accordingly, it is not possible to expect a bond between the individual and the state when the investment condition is limited to the purchase of real estate or in cases where the investment does not provide continuity, does not positively

researchers, (4) foreigners who are internationally successful in cultural, artistic or sporting activities, (5) foreigners who are active at the international level in matters related to Turkey's national interests or who contribute to the international recognition or promotion of Turkey or Turkish culture. Once transition period removal is made, the foreigner can apply for acquisition of Turkish citizenship by investment Doğan (2017) 83.

⁶³ Küpe (2021) 420.

⁶⁴ Nomer (2018) 91; Bauböck and Wallace Goodman (2010) 4.

⁶⁵ Bauböck and Wallace Goodman (2010) 2.

contribute to the employment generation of the country or the investor does not move the commercial transaction centre to Turkey.⁶⁶ On the other hand, providing citizenship to those who have not established a bond of belonging to that society in exchange for an investment, regardless of the amount, weakens the bond it represents.⁶⁷ For example, Canada gave up such program on the grounds of lack of bond between the individual and the state.⁶⁸

In our opinion, the current regulation should be revised, keeping the opportunity of foreigners to acquire Turkish citizenship through investment, but at the same time protecting the integrity of Turkish citizenship. Therefore, we would like to make the following suggestions: (1) As many countries have done in recent years, it would be appropriate to increase the required minimum amount to be invested. Of course, when deciding on this amount, not only Turkey's economic data, but also socio-political aspects should be taken into account, as well as the practices of other states. This should be done by an expert commission. (2) For foreigners who are willing to invest the required amount, national security screening should be conducted. The European Union has a resolution⁶⁹ in this regard, what should be taken into consideration to avoid granting citizenship to people involved into money laundering, and other criminal activities. (3) Instead of granting citizenship on the condition of a short-term residence, provided that a certain amount of investment is made, it would be more appropriate to impose a longer-term residence requirement for investors who meet the required minimum investment amount, and to re-evaluate the foreign investor after a certain period of time (such as 3 years, 5 years) before granting the citizenship.

⁶⁶ Kaya (2021) 125; Shachar (2017) 492.

⁶⁷ Shachar and Hirschl (2014) 249; Kaya (2021) 126; Gölcüklü (2019) 138.

⁶⁸ The Road to Balance (2014).

⁶⁹ European Parliament Resolution (2014).

(4) Investment into a real estate as a base for granting citizenship should be abolished.

Citizenship is a legal and political bond between the individual and the state. Therefore, the foreigner who receives citizenship is expected to have a connection with Turkey. It is important to ensure this connection by actually residing in Turkey. In this way, the citizen will have the chance to get to know both the country and the culture, and will feel herself/himself as a part of that society. The idea that only investment will ensure this link is beyond explanation and completely wrong in our opinion. To do otherwise would devalue Turkish citizenship in the eyes of both foreigners and citizens. Moreover, the "sale" of citizenship to foreigners without maintaining contact with the country will lower Turkey's economic, social and political image and reduce the value of Turkish citizenship. For example, it might have the result that other states impose more stringent visa requirements for Turkish passport holders.

It is an undoubted fact that every country – including Turkey - has the sovereign right to decide on granting citizenship to foreigners. Without a strong bond to the country (living, working in Turkey) it is not in the interest of Turkey and the Turkish society to grant citizenship based only on investment. However, we have to admit, that this is controversial issue, not only among Turkish scholars, but also among legal scientist of several other countries.

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