

COUNTRY BRIEFING
AUGUST 2024

Türkiye



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 180 organisations and individuals in 41 countries working to promote the right to a nationality and ensure that stateless people in Europe access their rights.

ENS worked with its member² to research and compile comparative information on statelessness in Türkiye.³ This briefing summarises the findings on how Turkish law, policy, and practice performs against international norms and good practice on the protection of stateless people and the prevention and reduction of statelessness. It covers five thematic areas – International and Regional Instruments, Stateless Population Data, Statelessness Determination and Status, Detention and Prevention and Reduction – and makes a series of recommendations to the Turkish Government for reform.

To be stateless is not to be considered as a national by any State under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

INTERNATIONAL AND REGIONAL INSTRUMENTS

Various international and regional treaties provide for the protection of stateless persons and the prevention and reduction of statelessness.

Of the four core statelessness conventions, Türkiye is only State Party to the 1954 Convention relating to the Status of Stateless Persons. It has not acceded to the 1961 Convention on the Reduction of Statelessness, the European Convention on Nationality, nor the European Convention on the Avoidance of Statelessness in Relation to State Succession. Türkiye is party to all other relevant human rights instruments. Whilst it maintains reservations to most instruments, these do not substantively impact on statelessness.

[Türkiye should accede to the 1961 Convention, the European Convention on Nationality, and the Convention on the Avoidance of Statelessness in Relation to State Succession.](#)

STATELESS POPULATION DATA

States should collect reliable quantitative and qualitative data on statelessness and adopt and strengthen measures to count stateless persons on their territory.⁴ Identification of stateless people is the first step to protecting their rights, but also leads to a better understanding

of the challenges that need to be addressed. The availability of reliable data is linked to whether procedures to identify and determine statelessness exist.

The stateless population in Türkiye has not been comprehensively mapped, and existing data is incomplete due to overlapping categories, lack of disaggregated data in some statistics, and the absence of data on the number of applications, grants, and refusals under the statelessness determination procedure.

In 2022, official data recorded 439 stateless people (disaggregated by gender), 237 people with 'unknown nationality', and 26,278 Palestinians. The Government's migration statistics reported 109 stateless people, 100 with 'unknown nationality', and 5,581 Palestinians who immigrated to Türkiye in 2022. This data does not present a complete picture of stateless migrants in Türkiye, as separate data is collected on the number of beneficiaries of temporary protection (granted to people who have fled Syria) (3,298,817 as of 31 August 2023), which is not disaggregated by nationality status.

There is no publicly available official data on the number of individuals, including stateless people, held in immigration detention.

[The Turkish Government should map the stateless population in the country and publish data on applications, grants, and refusals under the statelessness determination procedure. It should clearly define and limit the use of potentially overlapping categories such as 'undetermined nationality'.](#)

The Turkish Government should collect and publish data on stateless people from Syria under temporary protection.

The Turkish Government should collect and publish data on stateless people held in immigration detention.



STATELESSNESS DETERMINATION AND STATUS

To be able to provide the protection and rights enshrined in the 1954 Convention, including a residence permit and the right to work, study and facilitated naturalisation, State parties need to be able to identify stateless people on their territory. UNHCR recommends that this is best fulfilled through a dedicated statelessness determination procedure.⁵

Türkiye has established a statelessness determination procedure (SDP) in the Law on Foreigners and International Protection, which is complemented by its implementing regulation. In Türkiye, the SDP is an administrative procedure conducted by the migration management authorities and leads to a dedicated statelessness status. The Law provides for a definition of a stateless person, albeit one that is narrower than the 1954 Convention, as it excludes the term ‘under the operation of its law’.

An application to the SDP can be submitted in several different provinces and is examined by a central authority. It can be submitted orally or in writing in several languages and there is no lawful stay requirement, nor any fees. However, there is a lack of awareness about the procedure and the available information is not detailed, which may hinder access. The burden of proof is shared, but there is no standard of proof set in law and the evidentiary requirements can be difficult to meet. Although it is guaranteed by the law, it is unclear if applicants can effectively access free legal aid in practice. Applicants have the right to an interview, but not to free interpretation services. The 90-day-time limit to obtain a decision on status is often surpassed. There is no referral mechanism from the asylum procedure to the SDP. Under the law, people originating from Syria, including stateless people, are only eligible for temporary protection and not international protection, but they can apply for statelessness status or other residence permits. In practice, most remain under temporary protection, as it is more widely recognised than the SDP. Applicants are considered lawfully present in the country while their application is pending, but they have limited economic and social rights during this period and are not fully protected against expulsion.

A person recognised as stateless is granted statelessness status and issued a Stateless Person Identification Document granting the right to stay, automatically renewable every two years. They have the right to apply for a travel document, which is only valid for a single entry or exit, and a work permit. Recognised stateless people also have access to education and to the General Health Insurance Scheme. Holders of a Stateless Person Identification Document do not have the right to vote in either general or local elections.

Unlike EU Member States, Türkiye has introduced a temporary protection regime for people fleeing the war in neighbouring Syria, but there is no specific temporary protection regime for people fleeing the war in Ukraine.

The Turkish Government should improve awareness about the SDP through targeted information campaigns.

The Turkish Government should improve procedural safeguards in the SDP by improving access to legal aid, providing interpretation services, respecting the time limit to issue a decision, implementing a referral from the asylum procedures, guaranteeing rights during the procedure, and protecting applicants from expulsion.

The Turkish Government should improve recognised stateless people’s rights, including by granting them a multiple-entry travel document.



DETENTION

Stateless people face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁶

Immigration detention is provided for in Turkish law, either for the purpose of deportation or for international protection applicants while their application is being processed. Alternative measures to detention are established in law but there are gaps in their systematic and effective implementation. Although not explicitly required, a country of removal should be identified prior to detaining a person for removal purposes and some administrative courts have annulled removal orders due to the absence of a specified country of removal. While detainees must be released if the reasons for detention are no longer valid, none of these reasons relate to statelessness and there is no obligation on authorities to release a person when there is no reasonable prospect of removal. The law specifies people considered to have ‘special needs’, but statelessness is not considered as a factor increasing vulnerability and there is no referral mechanism from detention to the asylum procedure or the SDP.

Despite the existence of relatively strong procedural safeguards in law for people held in immigration detention, access to these safeguards is often limited in practice. There are no publicly available guidelines in place governing the process of re-documentation, and individuals released from detention under alternative measures are still subject to removal proceedings. Upon release, former detainees are provided with a document which clarifies that the imposition of alternative measures does not confer a right to remain in the country and that removal proceedings are still in progress.

The EU-Türkiye Readmission Agreement of 2014 recognises statelessness as a legally relevant factor, but it treats stateless people similarly to people with a nationality, and this agreement is not currently applied.

The Turkish Government should strengthen protections against arbitrary detention of stateless people, in particular through ensuring that alternative measures to detention are effectively applied in practice and people are released when there is no reasonable prospect of removal.

The Turkish Government should identify and consider statelessness in vulnerability assessments and ensure a referral route from detention to the SDP. It should ensure that procedural safeguards are applied in practice and strengthen the protection of people released from detention.



PREVENTION AND REDUCTION

There is no facilitated route to naturalisation for stateless people in Türkiye. Stateless people may apply for naturalisation subject to the general requirements including residence, language, good character, income, and a clean criminal record. Stateless people are exempt from providing certain documentation in the procedure if they do not possess these.

There is a legal safeguard permitting children born in Türkiye who would otherwise be stateless to apply for nationality, but this requires an application and several documents, including a birth certificate as well as evidence that the child did not acquire the nationality of the parents.

There are relatively good safeguards to prevent childhood statelessness for foundlings, adopted children, and children born to Turkish nationals abroad.

There are reported barriers to birth registration in Türkiye, which particularly affect migrant and undocumented populations due the lack of awareness about the process and the fear of being reported to immigration authorities. Foreign parents must first register themselves with the Turkish authorities and obtain a foreigner's ID number to be able to register the births of their children in Türkiye. There are particular issues regarding the birth registration of children born in Türkiye to Syrian refugees, including inconsistent and arbitrary practices within different departments, a lack of awareness among parents, and difficulties proving the Syrian nationality of the child due to Syria's gender-discriminatory nationality laws. Same-sex parenthood is not legally recognised in Türkiye and cannot be reflected in the birth certificate, which can impact on the child's ability to confirm or acquire a nationality.

No particular measures have been put in place to promote civil and birth registration in Türkiye, despite an action in this regard being included in the 2016-2021 strategy on Romani inclusion.

There are provisions on deprivation of nationality as a national security measure and for nationals residing abroad under certain conditions, which do not include safeguards to prevent statelessness. Positively, renunciation and derivative loss of nationality can only occur if the person holds another nationality.

The Turkish Government should ensure that there is a facilitated route to naturalisation for stateless people and that they are exempted from stringent naturalisation requirements.

The Turkish Government should amend the law to ensure that all children born on its territory who would otherwise be stateless acquire a nationality automatically at birth, regardless of the status or identity of their parents.

The Turkish Government should facilitate and guarantee access to immediate birth registration for all children regardless of the residence or documentation or identity of their parents, taking into account UNHCR guidance.

The Turkish Government should implement specific measures to promote civil and birth registration among Romani communities.

The Turkish Government should adopt safeguards to prevent statelessness in the case of deprivation of nationality.

SUMMARY OF RECOMMENDATIONS

The Turkish Government should:

- Accede to the 1961 Convention, the European Convention on Nationality, and the Convention on the Avoidance of Statelessness in Relation to State Succession.
- Map the stateless population in the country and publish data on applications, grants, and refusals under the statelessness determination procedure. It should clearly define and limit the use of potentially overlapping categories such as 'undetermined nationality'. It should collect and publish data on stateless people from Syria under temporary protection. It should collect and publish data on stateless people held in immigration detention.
- Improve awareness about the statelessness determination procedure through targeted information campaigns.
- Improve procedural safeguards in the SDP by improving access to legal aid, providing interpretation services, respecting the time limit to issue a decision, implementing a referral from the asylum procedure to the SDP, guaranteeing rights during the procedure, and protecting applicants from expulsion.
- Improve recognised stateless people's rights, including by granting them a multiple-entry travel document.
- Strengthen protections against arbitrary detention of stateless people, in particular through ensuring that alternative measures to detention are effectively applied in practice and people are released when there is no reasonable prospect of removal.
- Identify and consider statelessness in vulnerability assessments and ensure a referral route from detention to the SDP. It should ensure that procedural safeguards are applied in practice and strengthen the protection of people released from detention.
- Ensure that there is a facilitated route to naturalisation for stateless people and that they are exempted from stringent naturalisation requirements.
- Amend the law to ensure that all children born on its territory who would otherwise be stateless acquire a nationality automatically at birth, regardless of the status or identity of their parents.
- Facilitate and guarantee access to immediate birth registration for all children regardless of the residence or documentation or identity of their parents, taking into account UNHCR guidance.
- Implement specific measures to promote civil and birth registration among Romani communities.
- Adopt safeguards to prevent statelessness in the case of deprivation of nationality.

ENDNOTES

¹ <https://www.statelessness.eu/>.

² Refugee Rights Turkey (Mülteci Hakları Merkezi in Turkish), <https://www.mhd.org.tr/en/>.

³ <https://index.statelessness.eu/country/turkiye>.

⁴ Conclusions of the Council of the European Union and the Representatives of the Governments of the Member States on Statelessness, 4 December 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>.

⁵ UNHCR (2014) Handbook on Protection of Stateless Persons, available at:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbookprotection-stateless-persons.html>

⁶ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, available at:

<https://www.statelessness.eu/updates/publication/protecting-stateless-persons-arbitrary-detention-agenda-change>

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