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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes.	United Nations Treaty Collection. Convention relating to the Status of Stateless Persons. New York, 28 September 1954: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mt_dsg_no=V-3&chapter=5&Temp=mt_dsg2&clang=_en (EN)
IOB.1.b		If yes, when was ratification/accession?		Acceded on 26 March 2015.	Turkish Parliament adopted the Law (No. 6549, dated 1/7/2014) on the approval of Türkiye's accession to the 1954 Statelessness Convention, which was published in the Official Gazette (No. 29056, dated 10/7/2014): https://www.resmigazete.gov.tr/eskiler/2014/07/20140710-2.htm (TR) The decision (No. 6866, dated 30/9/2014) of the Turkish Council of Ministers on the accession of Türkiye to 1954 Statelessness Convention was published in the Official Gazette (No.29156, dated 25/10/2014): https://www.resmigazete.gov.tr/eskiler/2014/10/20141025-5.htm (TR) United Nations Treaty Collection. Convention relating to the Status of Stateless Persons. New York, 28 September 1954: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mt_dsg_no=V-3&chapter=5&Temp=mt_dsg2&clang=_en (EN)
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No reservations.	United Nations Treaty Collection. Convention relating to the Status of Stateless Persons. New York, 28 September 1954: https://treaties.un.org/pages/ViewDetailsII.aspx?src=TREATY&mt_dsg_no=V-3&chapter=5&Temp=mt_dsg2&clang=_en (EN)
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes, according to Article 90 (5) of the Turkish Constitution, international treaties that have been duly ratified have the force of the law.	Article 90 (5) of the Constitution of the Republic of Türkiye: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN) The decision (No. 6866, dated 30/9/2014) of the Turkish Council of Ministers on the accession of Türkiye to 1954 Statelessness Convention was published in the Official Gazette (No.29156, dated 25/10/2014): https://www.resmigazete.gov.tr/eskiler/2014/10/20141025-5.htm (TR)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	No, Türkiye is not a party to the 1961 Convention on the Reduction of Statelessness. That said, in 2011, the Turkish Parliament passed a bill regarding the approval of Türkiye's accession to the Convention. However, this bill has not yet become law.	United Nations Treaty Collection. Convention on the Reduction of Statelessness. New York, 30 August 1961: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mt_dsg_no=V-4&chapter=5&clang=_en#EndDec (EN) The Draft Law on the approval of Türkiye's accession to the 1961 Statelessness Convention (Legislative Session 24, Legislative Year 2): https://www5.tbmm.gov.tr/sirasayi/donem24/yil01/ss89.pdf (TR)
IOB.2.b		If yes, when was ratification/accession?		n/a	
IOB.2.c		Are there reservations in place? Please list them.	As above	n/a	

IOB.2.d		Does the Convention have direct effect?	As above	n/a	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	No.	Council of Europe. Chart of signatures and ratifications of Treaty 166, European Convention on Nationality 1997. Status as of 15/09/2023: https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=166 (EN)
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. There are no reservations in place.	Council of Europe. Chart of signatures and ratifications of Treaty 005, Convention for the Protection of Human Rights and Fundamental Freedoms 1950. Status as of 15/09/2023: https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=005 (EN)
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Council of Europe. Chart of signatures and ratifications of Treaty 200, Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006. Status as of 15/09/2023: https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatyid=200 (EN)
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	No, Türkiye is not a Member State of the European Union.	
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. Türkiye reserves the right to interpret and apply the provisions of Articles 17, 29 and 30 of the United Nations Convention on the Rights of the Child according to the letter and the spirit of the Turkish Constitution and those of the Treaty of Lausanne of 24 July 1923.	United Nations Treaty Collection. Convention on the Rights of the Child New York, 20 November 1989: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-11&chapter=4&clang=en (EN)
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. Türkiye reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Turkish Constitution and the Treaty of Lausanne of 24 July 1923 and its Appendixes.	United Nations Treaty Collection. International Covenant on Civil and Political Rights. New York, 16 December 1966: https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtidg_no=IV-4&src=IND (EN)
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. Türkiye reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance with the provisions under the Article 3, 14 and 42 of the Turkish Constitution.	United Nations Treaty Collection. International Covenant on Economic, Social and Cultural Rights. New York, 16 December 1966: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-3&chapter=4&clang=en (EN)
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. With respect to article 29, paragraph 1, in pursuance of article 29, paragraph 2 of the Convention, the Government of the Republic of Türkiye declares that it does not consider itself bound by paragraph 1 of this article.	United Nations Treaty Collection. Convention on the Elimination of All Forms of Discrimination against Women. New York, 18 December 1979: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtidg_no=IV-8&chapter=4&clang=en (EN)
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes. Türkiye declares in accordance with article 30, paragraph 2, of the Convention, that it does not consider itself bound by the provisions of paragraph 1 of this article.	United Nations Treaty Collection. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York, 10 December 1984: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtidg_no=IV-9&chapter=4&clang=en (EN)

IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes. Türkiye does not consider itself bound by Article 22 of this Convention. The explicit consent of Türkiye is necessary in each individual case before any dispute to which Türkiye is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice.	United Nations Treaty Collection. International Convention on the Elimination of All Forms of Racial Discrimination. New York, 7 March 1966: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-2&chapter=4&clang=en (EN)
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	Yes. The reservation regarding Article 40: The Turkish Law on Trade Unions allows only the Turkish citizens to form trade unions in Türkiye.	United Nations Treaty Collection. International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. New York, 18 December 1990: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-13&chapter=4&clang=en (EN)
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes. There are no reservations in place. Türkiye also ratified the Optional Protocol to the Convention.	United Nations Treaty Collection. Convention on the Rights of Persons with Disabilities. New York, 13 December 2006: https://treaties.un.org/Pages/showDetails.aspx?objid=080000028017bf87&clang=en (EN) United Nations Treaty Collection. Optional Protocol to the Convention on the Rights of Persons with Disabilities New York, 13 December 2006: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-15-a&chapter=4&clang=en (EN)

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.</p>	<p>Yes.</p> <p>According to the Results of the Address-Based Population Registration System, jointly published by the Turkish Statistical Institute in collaboration with the Directorate General of Civil Registration and Citizenship Affairs, the year 2022 recorded 439 stateless individuals in Türkiye, consisting of 261 males and 178 females.</p> <p>On the other hand, in the 2022 International Migration Statistics jointly compiled by the Turkish Statistical Institute in collaboration with the Presidency of Migration Management, it was reported that 109 stateless individuals immigrated to Türkiye, comprising 64 males and 45 females.</p> <p>There is no data published regarding the number of applications, grants, and refusals of statelessness status under the SDP.</p>	<p>Turkish Statistical Institute. The Results of Address Based Population Registration System 2022. Released on 6 February 2023. Statistical Tables, Foreign population by country of citizenship: https://data.tuik.gov.tr/Bulten/Index?p=The-Results-of-Address-Based-Population-Registration-System-2022-49685 (EN)</p> <p>Turkish Statistical Institute. International Migration Statistics 2022. Released on 24 July 2023. Table-4, Immigrants and emigrants by country of citizenship: https://data.tuik.gov.tr/Bulten/Index?p=International-Migration-Statistics-2022-49457 (EN)</p>
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes.</p> <p>The 2022 Results of the Address-Based Population Registration System show 237 individuals recorded as having an "unknown nationality," with 121 males and 116 females. In addition, 26,278 Palestinians, comprising 15,523 males and 10,755 females, were documented within the foreign population in Türkiye.</p> <p>In the 2022 International Migration Statistics, there were 100 individuals recorded as "unknown nationality" who immigrated to Türkiye, with 39 being males and 61 females. Additionally, 5,581 Palestinians, consisting of 3,855 males and 1,726 females, immigrated to Türkiye.</p>	<p>Turkish Statistical Institute. The Results of Address Based Population Registration System 2022. Released on 6 February 2023. Statistical Tables, Foreign population by country of citizenship: https://data.tuik.gov.tr/Bulten/Index?p=The-Results-of-Address-Based-Population-Registration-System-2022-49685 (EN)</p> <p>Turkish Statistical Institute. International Migration Statistics 2022. Released on 24 July 2023. Table-4, Immigrants and emigrants by country of citizenship: https://data.tuik.gov.tr/Bulten/Index?p=International-Migration-Statistics-2022-49457 (EN)</p>
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR does not offer estimations for Türkiye's stateless or at-risk-of-statelessness population. While UNHCR Türkiye frequently publishes statistics related to Türkiye on its webpage, these figures do not encompass such estimations. Additionally, neither is there any mention of such estimations in UNHCR's 2022 Global Trends Report.	<p>UNHCR Türkiye Stats: https://www.unhcr.org/tr/en/unhcr-Türkiye-stats (EN)</p> <p>UNHCR Türkiye. Factsheets and Dashboards: https://www.unhcr.org/tr/en/factsheets-and-dashboards (EN)</p> <p>UNHCR. Global Trends Report 2022: https://www.unhcr.org/global-trends-report-2022 (EN)</p>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No.	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	<p>Yes.</p> <p>In its 2018 report, the Refugee Rights Sub-Commission of the Grand National Assembly of Türkiye asserted that as many as 276,000 Syrian children born in Türkiye may be stateless. Nonetheless, due to the absence of any explanation regarding the methodology employed for data collection, concerns have arisen</p>	<p>Grand National Assembly of Türkiye, the Committee on Human Rights Inquiry, the Refugee Rights Sub-Commission. Report on Migration and Integration. March 2018, p. 125 and 258: https://asylumineurope.org/wp-content/uploads/2018/04/resources_goc_ve_uyum_raporu.pdf (TR)</p>

				regarding the reliability of this assertion. Moreover, this data may have become outdated, considering the ongoing rise in the birthrate among Syrian refugees in Türkiye, coupled with the subsequent decrease in the overall Syrian refugee population in the country.	For information on the declining number of Syrian refugees in Türkiye, please refer to UNHCR's Global Trends Report 2022, pages 13, 21, and 39: https://www.unhcr.org/global-trends-report-2022 (EN)
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	<p>Yes.</p> <p>In the data provided by the Turkish Statistical Institute, the foreign population category encompasses individuals who meet one of the following criteria:</p> <ul style="list-style-type: none"> • Holding a valid residence/work permit on the reference day. • Holding an identity document equivalent to a residence permit (e.g., international protection) with a valid address declaration on the reference day. • Having renounced their Turkish citizenship and residing in the country with a valid address declaration on the reference day. <p>In addition to Syrians under temporary protection, foreigners holding visas or residence permits shorter than 3 months with the purpose of training, tourism, scientific research, etc. are not covered in this data.</p> <p>Therefore, this data does not present a complete picture of stateless migrants in Türkiye, as it excludes Syrian temporary protection beneficiaries. The temporary protection regime applies to Syrian nationals, refugees, and stateless individuals fleeing Syria, whether they arrived in Türkiye individually or in large numbers.</p> <p>On the other hand, the Presidency of Migration Management provides regular statistics on the number of temporary protection beneficiaries, which stood at 3,298,817 as of 31 August 2023. Nevertheless, these statistics do not differentiate between Syrian nationals, refugees, or stateless individuals from Syria. As a result, despite the historical presence of a stateless population in Syria, it remains unknown how many of these stateless individuals currently reside in Türkiye under temporary protection due to a lack of sufficient data.</p>	<p>Turkish Statistical Institute. The Results of Address Based Population Registration System 2022. Released on 6 February 2023. Scope of the Data: https://data.tuik.gov.tr/Bulten/Index?p=The-Results-of-Address-Based-Population-Registration-System-2022-49685 (EN)</p> <p>Turkish Statistical Institute. International Migration Statistics 2022. Released on 24 July 2023. Analytical Framework, Concepts, Definitions, and Classifications: https://data.tuik.gov.tr/Bulten/Index?p=International-Migration-Statistics-2022-49457 (EN)</p> <p>The Temporary Protection Regulation adopted on 13/10/2014: https://www.goc.gov.tr/kurumlar/goc.gov.tr/Gecici-Koruma-Yonetmeligi-Ingilizce.pdf (EN)</p> <p>Presidency of Migration Management. Statistics. Temporary Protection: https://en.goc.gov.tr/temporary-protection27 (EN)</p> <p>Norwegian Refugee Council and Institute on Statelessness and Inclusion. Toolkit: Understanding statelessness in the Syria refugee context: https://www.syrianationality.org/index.php?id=1 (EN)</p>
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	There are no publicly available official figures for the number of stateless refugees and/or asylum-seekers. The Presidency of Migration Management regularly offers migration-related statistics, including information on the number of Syrian temporary protection beneficiaries and international protection applicants. However, this data does not encompass details about statelessness.	Presidency of Migration Management. Up-to-date statistics: https://en.goc.gov.tr/# (EN)
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends.	<p>No.</p> <p>There is no publicly available official data regarding the precise count of individuals held under immigration detention. While the Presidency of Migration Management offers data pertaining to the total count of apprehended irregular migrants, it fails to include</p>	Presidency of Migration Management. Statistics. Irregular Migration: https://en.goc.gov.tr/irregular-migration (EN)

			<p>ISI, The World’s Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p> <p>Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>statistics detailing how these individuals are divided according to their status, whether they are detained, undergoing non-custodial measures, seeking international protection, or have been deported. Since there is no available data on the number of individuals in immigration detention, it remains uncertain whether there are any stateless individuals among them.</p>	
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	<p>No.</p> <p>As stated above, the only available data related to immigration detention pertains to the figures of apprehended irregular migrants. However, this figure does not include information regarding the number of immigration detainees, individuals released from immigration detention, or the reasons for their release. Nevertheless, it is worth noting that the data reveals the number of Palestinian irregular migrants apprehended in 2023, which stands at 8,342 as of August 31, 2023.</p>	<p>Presidency of Migration Management. Statistics. Irregular Migration: https://en.goc.gov.tr/irregular-migration (EN)</p>

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	<p>Yes, there is a definition of a stateless person in national law.</p> <p>The Law on Foreigners and International Protection defines a stateless person as “<i>someone who does not hold the nationality of any state and is considered as foreigner.</i>”</p> <p>However, this definition lacks the reference to “<i>under the operation of its law</i>” in the 1954 Convention’s definition, which requires that an individual’s claim to be stateless should not be assessed only with respect to the legal framework in a given country, but also its implementation by the competent authorities.</p> <p>Therefore, there exists a stateless person definition in Türkiye’s national law, but it excludes the vital consideration of how the laws are applied in the countries in question.</p> <p>Notwithstanding the presence of this narrower definition in the national law, the definition of the 1954 Convention is deemed as part of international customary law and binding upon Türkiye.</p>	<p>Article 3 (1) (ş) of the Law No. 6458 on Foreigners and International Protection that took effect upon its publication in the Official Gazette (No. 28615, dated 11 April 2013): https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>The International Law Commission concluded in 2006 that the definition in the 1954 Convention is part of customary international law. Please see, “Draft Articles on Diplomatic Protection with commentaries,” available at: https://www.refworld.org/docid/525e7929d.html (EN)</p>
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	A virtual workshop on ‘Statelessness Determination Procedures’ was organised by UNHCR on 15-16 December 2020. The workshop featured the participation of 16 staff members from the Directorate General of Migration Management, which was later restructured as the Presidency, and the Provincial Directorates of Migration Management. Two international experts, specialised in Statelessness from UNHCR’s Regional Bureau for Europe, also took part in the workshop. The workshop focused on discussing the mechanisms in place in Türkiye and other countries for determining statelessness in accordance with international standards and obligations. Its primary aim was to support the review of standard operating procedures (SOPs) related to statelessness determination procedures. During the workshop, participants engaged in discussions regarding the SOP and its annexes, which include a ‘Checklist for Statelessness Determination Procedures’. Following the workshop, UNHCR and the Presidency of Migration Management finalised the SOPs and a leaflet titled ‘Determination of Statelessness, Procedures, Rights, and Obligations.’ These materials, developed based on the workshop discussions, represent the first guidance within the national system concerning statelessness. They outline essential principles and procedural safeguards in alignment with relevant legislation.	<p>UNHCR. Operational Update December 2020. Türkiye, December 2020: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/01/UNHCR-Türkiye-Operational-Update-December-2020-FINAL.pdf (EN)</p> <p>UNHCR. Türkiye Fact Sheet. Türkiye, February 2021: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/05/Bi-annual-fact-sheet-2021-02-Türkiye-Modified-F.pdf (EN)</p> <p>The Presidency of Migration Management was initially established as the Directorate General for Migration Management, but its status was later elevated to a Presidency by the Presidential Decree No. 85 issued on 29 October 2021. See, The Presidency of Migration Management. Announcement. 24/12/2021: https://en.goc.gov.tr/announcement2 (EN)</p>
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	<p>UNHCR, Good Practices Papers – Action 6 (2020): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p> <p>UNHCR, Geneva Conclusions (2010): It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.</p>	<p>There is no publicly available information as to any such training organised by the state. Nevertheless, there have been civil initiatives in this regard.</p> <p>In the spring of 2022, Refugee Rights Turkey (RRT), in partnership with the European Network on Statelessness (ENS), conducted a comprehensive online seminar series focusing on statelessness and the protection of stateless individuals’ rights within the framework of international human rights law. This seminar series comprised three consecutive sessions held on March 31, April 21, and May 26, each addressing crucial topics: ‘Introduction to</p>	<p>Unpacking Statelessness in Türkiye: Taking Stock of the Laws, Policies, and Practices: https://www.statelessness.eu/updates/blog/unpacking-statelessness-Türkiye-taking-stock-laws-policies-and-practices#:~:text=Refugee%20Rights%20Türkiye%20(RRT)%20is,an d%20policy%20and%20advocacy%20work (EN)</p>

				<p>Nationality and Statelessness,' 'Prevention and Reduction of Statelessness,' and 'Statelessness in the Context of Migration and Refugees.' The audience for these seminars was both extensive and diverse, encompassing legal professionals from various provincial bar associations and the Union of Turkish Bar Associations in the capital, as well as international and local NGO experts, academics, and representatives from state institutions, including the Ministry of Justice and the Provincial Directorates for Migration Management. The first seminar drew 250 participants, while the second and third sessions were attended by 103 and 93 participants, respectively.</p> <p>This was followed by an in-person workshop titled 'Stateless Migrants in Türkiye: Assessing Legislation and Practices' that took place in Istanbul on 26 November 2022. This workshop served as a platform for bringing together key stakeholders for a day-long consultation and structured knowledge exchange concerning the statelessness in Türkiye. The workshop saw the participation of a total of 40 attendees, including legal practitioners from various provincial bar associations, representatives from Legal Clinics providing legal assistance to refugees and asylum-seekers in the provinces of Şanlıurfa, Hatay, Malatya, Gaziantep, and Kilis, as well as professionals from both national and international NGOs.</p>	
<p>SDS.3.a</p>	<p>Existence of a dedicated SDP</p>	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a).</p> <p>2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>	<p>UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>The situation in Türkiye can be best described in the first category. There is a dedicated statelessness determination procedure (SDP) established by the Law on Foreigners and International Protection, complemented by its implementing regulation. This SDP is located within the administrative structure and conducted by the migration management authorities. The SDP leads to the issuance of a Stateless Person Identification Document (i.e., the granting of a statelessness status) for the persons determined as stateless.</p>	<p>Articles 50-51 of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 47-50 of the Implementing Regulation of the Law on Foreigners and International Protection that took effect upon its publication in the Official Gazette (No. 29656, dated 7/3/2016): https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p>

<p>SDS.3.b</p>	<p>Temporary protection for people fleeing war</p>	<p>Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so. Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>As Türkiye is not a Member State of the European Union, it is not obligated to adhere to the relevant EU regulations concerning refugees from Ukraine. Consequently, there exists no official temporary protection regime in Türkiye for those escaping the war in Ukraine.</p> <p>Unlike EU Member States, Türkiye has introduced a temporary protection regime for people fleeing the war in its neighbouring country Syria. This temporary protection applies to everyone, who arrives in Türkiye from Syria, including Syrian nationals, as well as refugees and stateless persons in Syria. Accordingly, stateless individuals who have fled the Syrian conflict and arrived in Türkiye are eligible for temporary protection status.</p> <p>Under Article 17(2) of the Temporary Protection Regulation, authorities are empowered to admit foreigners seeking temporary protection even if they lack documents upon arrival. Similarly, under Article 21(2)(c) of the same Regulation, the verbal statement of a foreigner seeking temporary protection who is unable to provide identity documents shall be accepted as valid unless proven otherwise. Consequently, despite individuals' inability to provide identity or residency documentation indicating their origin from Syria, authorities typically grant them temporary protection based on their statement. This practice is actually one of the main reasons for challenges in government's records related to Syrian temporary protection beneficiaries, particularly in documenting cases of statelessness, previously mentioned in POP.1.f.</p> <p>On the other hand, Türkiye grants international protection status for individuals from the countries other than Syria under the Law on Foreigners and International Protection. This law explicitly affirms the possibility of granting international protection status to stateless refugees.</p> <p>It is important to note that due to the geographical limitation that was established upon Türkiye's accession to 1951 Refugee Convention, Türkiye only applies it to refugees originating from European countries, specifically those that are members of the Council of Europe. Consequently, three distinct international protection statuses are defined under the Law on Foreigners and International Protection: refugee (people fleeing from Council of Europe Member States), conditional refugee (people fleeing from other countries), and subsidiary protection (on the basis of the principle of non-refoulement). Stateless refugees can qualify for any of these three protection statuses provided they meet the conditions specified by the law.</p>	<p>The Temporary Protection Regulation adopted on 13/10/2014: https://www.goc.gov.tr/kurumlar/goc.gov.tr/Gecici-Koruma-Yonetmeligi-Ingilizce.pdf (EN)</p> <p>United Nations Treaty Collection. Convention relating to the Status of Refugees. Geneva, 28 July 1951: https://treaties.un.org/Pages/ViewDetailsII.aspx?src=TREATY&mtidsg_no=V-2&chapter=5&Temp=mtidsg2&clang=en (EN)</p> <p>Article 3 (1) (b) of the Law on Foreigners and International Protection defines "European Countries" as comprising the member states of the Council of Europe: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 61, 62, and 62 of the Law on Foreigners and International Protection establish the international protection statuses: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>
<p>SDS.4.a</p>	<p>Access to the procedure (Group 1)</p>	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>Yes. Ensuring easy access to the SDP for potential applicants, the Law on Foreigners and International Protection allows the submission of statelessness claims to the Provincial Directorates of Migration Management for onward transmission to the Presidency of Migration Management, the central statelessness determination body.</p> <p>Observations gathered by Refugee Rights Turkey through its service provision to an individual who filed a statelessness application with the Istanbul Provincial Directorate of Migration Management unveils the existence of a specialised unit within the Foreigners Department in Istanbul assigned to process statelessness applications. This unit also deals with applications for</p>	<p>Article 50 (1) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 47 (1) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p> <p>Refugee Rights Turkey practice</p>

				residence permits and is separate from the International Protection Unit. However, it is important to note that the organisational structure of each Provincial Directorate of Migration Management may vary, and Refugee Rights Turkey does not possess information regarding the existence of such units in provinces outside Istanbul.	
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	UNHCR, Handbook on Protection (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	The website of the Presidency of Migration Management offers guidance on submitting a statelessness claim in several languages. However, the provided information lacks sufficient detail. Refugee Rights Turkey has noted a deficiency in disseminating information about the SDP, leading potential applicants to remain uninformed about their ability to submit statelessness claims. This issue is especially concerning given that authorities do not initiate the SDP <i>ex officio</i> , and stateless individuals must personally initiate the application process.	The Presidency of Migration Management. Determination of Statelessness: https://en.goc.gov.tr/determination-of-statelessness (EN) Refugee Rights Turkey practice
SDS.4.c		Can submissions be made orally and/or in writing in any language?	ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	While the law does not provide information on this matter, according to Refugee Rights Turkey’s casework practice, statelessness applications can be submitted orally and/or in writing in any language. Nevertheless, securing an interpreter for less commonly spoken languages can be a challenging endeavour.	Refugee Rights Turkey practice
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	While the law is silent on this issue, based on Refugee Rights Turkey’s first-hand observations on the ground, the process involves the use of a simple and short application form, often which officials complete based on the applicants’ responses.	Refugee Rights Turkey practice
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR, Handbook on Protection (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	The Law on Foreigners and International Protection does not impose any obligation on the authorities to identify stateless persons residing in Türkiye. Thus, by shifting the responsibility of identification from the authorities to the stateless persons themselves, the Law on Foreigners and International Protection does not provide a safeguard requiring the authorities to initiate the SDP <i>ex officio</i> .	Article 50 (2) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN) Article 47 (1) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)
SDS.4.f		Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	If applicants do not have a stateless person’s identity document or a passport intended for stateless persons of another country, the migration management authorities must examine the statelessness applications. However, if applicants are in possession of such documents, their applications will not be processed.	Article 47 (6) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)
SDS.4.g		Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	No.	
SDS.4.h		Is there a lawful stay requirement to access the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	No.	
SDS.4.i		Is there a time limit on access to the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed and not subject to time limits. ENS (2013) : There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	No.	

SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	The law stipulates that applications for statelessness made to law enforcement agencies or other public institutions or organisations within the country or at border crossings must be immediately reported to the Provincial Directorates of Migration Management. However, it is uncertain whether this is being effectively implemented.	Article 47 (3) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	The law recognises that the burden of proof is shared between the applicant and the migration management authorities. Accordingly, applicants are required to provide information and documents proving that they have no nationality ties with any country. Where necessary, the migration management authorities may seek information from the foreign consular authorities of countries with which applicants have strong links. However, obtaining a certificate of non-nationality from consular authorities is not an easy task, particularly for applicants who may have been forcibly displaced from the country concerned. Even when migration management authorities take the initiative to contact consular authorities, there are typically long delays in official correspondence. These practical challenges are often obstacles to proving statelessness.	Article 49 (2) (a) and (c) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)
SDS.5.b		What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>UNHCR, Good practices in nationality laws (2018): The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	The Law on Foreigners and International Protection does not establish a specific standard of proof for SDP. However, it does contain provisions aimed at addressing the inherent challenges of proving statelessness. Firstly, where applicants are unable to produce identification documents, their oral testimony may serve as a valid basis. Secondly, in cases where applicants are unable to provide information and documents to prove their statelessness, the nationality laws of the country concerned are accepted as evidence. In practice, however, it has been observed that migration management authorities often supplement their assessment of statelessness claims with additional documentary evidence, rather than relying solely on applicants' oral statements or the nationality laws of the countries concerned.	Articles 47 (4) and 49 (2) (b) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)
SDS.5.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTIQ people, etc.) at risk of discrimination in the SDP? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?	<p>UNHCR, Handbook on Protection (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State.</p> <p>CEDAW, Gen. Rec. 32 (2014): Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.</p> <p>CRC: Articles 2, 3, 7 and 8</p> <p>CRPD: Article 18</p> <p>UNHCR, Best Interests Procedure Guidelines (2021)</p>	<p>The Law on Foreigners and International Protection introduces a classification called "persons with special needs", which includes unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single mothers or fathers accompanied by a child, or persons who have suffered torture, sexual assault or severe psychological, physical, or sexual abuse.</p> <p>It is important to note that LGBTIQ people are not included in this group. Furthermore, being a woman alone does not qualify for inclusion in this group, unless pregnancy or single motherhood is involved. Similarly, not all children, but specifically unaccompanied minors, are included in this category.</p> <p>The Law on Foreigners and International Protection stipulates that persons with special needs must be given priority in terms of their rights and measures taken during the international protection procedure. However, there is no specific provision in the law stipulating that this group should also be given priority in the SDP.</p> <p>With regard to unaccompanied minors, the Law on Foreigners and International Protection provides that the best interests of the</p>	<p>Article (3) (1) (l) of the Law on Foreigners and International Protection provides the definition of persons with special needs: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 67 of the Law on Foreigners and International Protection on the prioritisation obligation for persons with special needs: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 66 of the Law on Foreigners and International Protection on unaccompanied minors: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>

			<p>UNHCR, Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration: Objective 7 UN Women, Gender-responsive implementation of the Global Compact (2021): States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on Commission and Member States to overcome discrimination against rainbow persons and families.</p>	<p>child shall be the primary consideration in all actions related to them and that the provisions of the Child Protection Act shall be applied. However, this provision refers specifically to unaccompanied minors applying for international protection. The law does not contain specific provisions regarding unaccompanied minors in the SDP.</p>	
SDS.5.d		<p>Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?</p>	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances. Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)</p>	<p>As noted above, the Standard Operating Procedures (SOPs) developed by both UNHCR and the Presidency for Migration Management cover the determination of statelessness. These SOPs are designed to assist decision-makers in grasping the processes, responsibilities and entitlements involved in the determination of statelessness. However, these SOPs are not publicly available.</p>	<p>UNHCR. Operational Update December 2020. Türkiye, December 2020: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/01/UNHCR-Türkiye-Operational-Update-December-2020-FINAL.pdf (EN) UNHCR. Türkiye Fact Sheet. Türkiye, February 2021: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/05/Bi-annual-fact-sheet-2021-02-Türkiye-Modified-F.pdf (EN)</p>
SDS.5.e		<p>Is there any evidence of significant errors in decision-making?</p>		<p>RRT is not aware of any such case. It should be noted, however, that this absence may be due to the small number of cases handled.</p>	
SDS.6.a	<p>Procedural safeguards (Group 1)</p>	<p>Is free legal aid available during the procedure?</p>	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>In Türkiye, free legal aid services are provided by the state-funded legal aid system, which is run by provincial bar associations. Several bar associations also receive funding from the budget of the UNHCR-Türkiye and the Union of Bar Associations (UTBA) cooperation project to support their provision of legal aid services to persons seeking protection in Türkiye. While the right to these free legal aid services is explicitly recognised in the Law on Foreigners and International Protection for applicants and beneficiaries of international protection, there is no specific provision for stateless applicants. Nevertheless, the general legal aid provision in the Attorneys Act (No. 11136) stipulates that everyone lacking the means to cover attorney's fees and other proceeding costs can access legal aid services. Since this provision is not limited to citizens, it can be inferred that foreigners, including stateless persons, are eligible for legal aid services. However, there is no available information on whether individuals actually benefit from legal aid services in practice.</p>	<p>Article 81 (2) of the Law on Foreigners and International Protection pertains to the free legal aid services for international protection applicants and status holders: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN) UTBA and UNHCR. Cooperation to support access to justice for international protection applicants and status holders, and beneficiaries of temporary protection in Türkiye - Joint Project on Legal Aid: https://ayop.barobirlik.org.tr/ (TR) Article 176 of the Attorney Act No. 1136 that took effect upon its publication in the Official Gazette (No. 13168, dated 7 April 1969): https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)064-e (ENG) Refugee Rights Turkey casework</p>
SDS.6.b		<p>Is an interview always offered (unless granting without interview)?</p>	<p>UNHCR, Handbook on Protection (2014): The right to an individual interview [is] essential.</p>	<p>Yes. According to the law, applicants for statelessness status have the right to an interview with an official within 15 days. In practice, applicants do indeed exercise this right and usually receive an individual interview with an official within the prescribed period. During this interview, the following issues are reviewed and clarified: - The date and method of entry into the country. - The existence and whereabouts of any relatives living in the country. - The applicant's means of subsistence. - The process relating to their statelessness.</p>	<p>Article 48 (1) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p>

				<ul style="list-style-type: none"> - The determination of their previous nationality and the request for relevant documents. - Whether the applicant has previously applied for statelessness status in another country and, if so, the reasons for the rejection, together with the relevant information and documents. - The possibility of regaining previously lost citizenship. 	
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	In general, the Law on Foreigners and International Protection provides more comprehensive and detailed provisions for the determination of refugee status (i.e., international protection status) compared to the SDP. Accordingly, while the right of applicants for international protection to free interpretation services is explicitly recognised in the law, there are no specific provisions on access to interpretation for stateless applicants.	Article 70(2) of the Law on Foreigners and International Protection grants international protection applicants the right to access free interpretation services: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)
SDS.6.d		Are there quality assurance audits of the SDP?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Quality assurance audits of SDPs are considered good practice.</p>	No.	
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	<p>UNHCR, Handbook on Protection (2014): States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.</p>	As mentioned earlier, UNHCR collaborates with the Presidency of Migration Management to provide training to migration management authorities on the SDP. Furthermore, UNHCR and the Presidency of Migration Management have jointly developed standard operating procedures (SOPs) titled 'Determination of Statelessness, Procedures, Rights, and Obligations' related to the SDP. The law does not contain a specific provision granting UNHCR authority to access individual files, and it is not known whether UNHCR has access to files in practice.	<p>UNHCR. Operational Update December 2020. Türkiye, December 2020: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/01/UNHCR-Türkiye-Operational-Update-December-2020-FINAL.pdf (EN)</p> <p>UNHCR. Türkiye Fact Sheet. Türkiye, February 2021: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2021/05/Bi-annual-fact-sheet-2021-02-Türkiye-Modified-F.pdf (EN)</p>
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	<p>UNHCR, Handbook on Protection (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.</p>	<p>In Turkish administrative law, the presence of reasoning in all administrative acts is a fundamental element. This means that administrative acts must be based on objective reasons and that administrative authorities are obliged to show the reasons for their decisions. In addition, as a general rule, all administrative acts must be in writing. As decisions taken following an SDP are classified as administrative acts, they are also subject to these obligations.</p> <p>In practice, there have been cases where applications for statelessness have been closed without a clear statement of reasons. In addition, it has been observed in practice that such decisions are taken without complying with written form requirements.</p> <p>However, all administrative acts are subject to judicial review. Consequently, such non-compliance with formal and procedural requirements can be challenged before administrative courts. Although not specific to statelessness applications, similar administrative decisions on various matters have been overturned by the courts for failure to comply with these requirements.</p>	<p>Article 125 of the Constitution of the Republic of Türkiye on judicial review concerning acts of administration: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)</p> <p>Article 2 (1) (a) of the Law No. 2577 on the Procedure of Administrative Justice Act that took effect upon its publication in the Official Gazette (No. 17580, dated 29 January 1982): http://www.lawsTürkiye.com/law/2577-procedure-of-administrative-justice-act (EN)</p> <p>Concerning the principle of written form in administrative acts, please see: Kemal Gözler. <i>İdare Hukuku</i>. Bursa, 2009, p. 830. (TR)</p> <p>Regarding the principle of rationale in administrative acts, please see: Bahtiyar Akyılmaz. <i>İdârî Usul İlkeleri Işığında İdârî İşlemin Yapılış Usulü</i>. Ankara, 2000, p. 199. (TR)</p>
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	<p>UNHCR, Handbook on Protection (2014): It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.</p>	Yes, the law stipulates that the Presidency of Migration Management must complete the procedure for determining whether a person is stateless within 90 days at the latest. However, it is observed in practice that the SDP frequently surpasses the prescribed time limit. This is particularly evident in cases where only the applicants' oral statements are available, as the process of corresponding with foreign consular authorities to obtain information typically takes a considerable amount of time.	<p>Article 49 (1) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p> <p>Refugee Rights Turkey casework</p>

<p>SDS.6.h</p>		<p>Is statelessness identified in asylum procedures? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures? Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?</p>	<p>UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants.</p> <p>EASO/EUAA, Practical guide on registration (2021): The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p> <p>ENS (2013): Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.</p>	<p>No, the law does not contain a provision on the determination of statelessness during the international protection procedure. However, statelessness can be a valid reason for an applicant's well-founded fear of persecution, which prevents them from returning to their previous residence and leads to the granting of international protection status. If an individual's application for international protection status is denied, there is no mechanism in the law to refer them to the SDP. In such cases, individuals are required to submit a separate application for statelessness status on their own.</p> <p>If a stateless refugee is granted international protection status, they cannot simultaneously apply for statelessness status. Generally, individuals hold only one of the legal statuses outlined in the law.</p> <p>Based on RRT's casework, when individuals raise both international protection and statelessness claims, the authorities neither assess these claims together nor do they prioritise one of them by considering the interests of the person to provide broader protection. Therefore, individuals should make a decision on which status they want to apply for.</p> <p>People originating from Syria (including Syrian nationals and stateless persons) are eligible for temporary protection only, without the option to apply for international protection. However, they can apply for residence permits, as well as statelessness status, since the latter is not regarded as an international protection status (see SDS.3.b).</p>	<p>Articles 61, 62, and 62 of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Refugee Rights Turkey casework</p>
<p>SDS.7.a</p>	<p>Protection during SDP (Group 1)</p>	<p>Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?</p>	<p>UNHCR, Handbook on Protection (2014): An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being 'lawfully in' the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers.</p> <p>ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	<p>The law recognises the lawful presence of applicants in the country while applicants await the outcome of the SDP. An application document, valid until a decision is made, is issued free of charge to those whose applications are accepted. If applicants do not have a stateless person's identity card or a passport issued to stateless persons of another country, their applications are accepted. This application document serves as a legal permit for their stay in the country.</p>	<p>Article 47 (5) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p> <p>Article 47 (6) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p>
<p>SDS.7.b</p>		<p>Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?</p>	<p>UNHCR, Handbook on Protection (2014): Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.</p>	<p>No.</p> <p>Unlike international protection applicants, applicants for statelessness status are not provided with the right to social aid or employment under the conditions in the law.</p> <p>However, according to the Law on the Promotion of Social Assistance and Solidarity (No. 3294), destitute "persons who have been admitted or who have arrived in Türkiye by any means" may apply for cash or in-kind assistance from the Social Assistance and Solidarity Funds operating under the Governor's Offices.</p>	<p>Article 89 of the Law on Foreigners and International Protection outlines the rights of international protection applicants: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 1 of the Law on Encouraging Social Aid and Solidarity (No. 3294): https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=3294&MevzuatTur=1&MevzuatTertip=5 (TR)</p>
<p>SDS.7.c</p>		<p>Do applicants for statelessness status face a risk of detention?</p>	<p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard</p>	<p>No, the Law on Foreigners and International Protection does not provide for the automatic detention of persons seeking protection on the grounds of statelessness, and applicants for statelessness status are not routinely detained. As stated in SDS.7.a, individuals applying for statelessness status have the right to remain lawfully in the country pending the outcome of the SDP. Nonetheless,</p>	<p>Article 68 of the Law on Foreigners and International Protection on immigration detention of applicants seeking international protection during application processing: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>

			<p>the lawful governmental objective pursued by detention.</p>	<p>existing legal provisions do not explicitly shield applicants from potential deportation while their statelessness claims are being assessed. If a decision is made to deport the applicant from the country based on reasons stipulated in the law, such as posing a threat to public order, security, or health, they may be subject to detention for removal purposes.</p> <p>As further elaborated below, the law provides for two types of immigration detention, one of which relates to the detention of applicants for international protection during the application process. However, migration management authorities usually refrain from automatically resorting to this form of detention as a standard procedure. Consequently, individuals applying for international protection are not ordinarily subject to detention, and this principle extends to stateless refugees who seek such protection. In practice, immigration detention is mainly used for persons awaiting removal proceedings.</p>	<p>Article 57 of the Law on Foreigners and International Protection on immigration detention for removal purposes: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	<p>UNHCR, Handbook on Protection (2014): An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>Individuals have the right to challenge decisions rejecting their statelessness claims by filing an appeal with the administrative court. The court with jurisdiction, determined by geographical location, is situated in Ankara. This is because the Presidency of Migration Management, responsible for concluding statelessness applications, is headquartered in Ankara.</p>	<p>Article 125 of the Constitution of the Republic of Türkiye: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)</p> <p>Article 2 of the Law on the Procedure of Administrative Justice Act: http://www.lawsTürkiye.com/law/2577-procedure-of-administrative-justice-act (EN)</p>
SDS.8.b		Is legal aid available for appeals?	<p>UNHCR, Handbook on Protection (2014): The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013): Applicants should have access to legal counsel both at first instance and on appeal.</p>	<p>While the law explicitly recognises the right of international protection applicants to access legal aid services during appeals against negative decisions, there is no parallel provision for statelessness applicants. This is because statelessness status is not categorised as a form of protection; instead, it is affiliated with regular migration, akin to residence permits. However, Türkiye's Attorneys Act (No. 11136) contains specific provisions on the provision of legal aid to persons who cannot cover the lawyer's fees, and these provisions do not recognise a distinction between citizens and non-citizens. It is unclear whether stateless appellants can access legal aid in practice.</p>	<p>Article 81 (2) of the Law on Foreigners and International Protection pertains to the free legal aid services for international protection applicants: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 176 of the Attorneys Act (No. 1136) on the scope of legal aid: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2020)064-e (EN)</p>
SDS.8.c		Is there a fee for the appeal application?	<p>UNHCR, Handbook on Protection (2014): An effective right to appeal against a negative first instance decision is an essential safeguard.</p>	<p>To appeal against a negative decision, an individual must meet the costs associated with postal charges, standard fees and the Bar Association's stamp, all of which are set in accordance with applicable laws and regulations.</p>	<p>The Act of Fees No. 492 that took effect upon its publication in the Official Gazette (No. 11756, dated 17/7/1964): https://www.mevzuat.gov.tr/mevzuatmetin/1.5.492.pdf (TR)</p> <p>Each year, the Ministry of Justice determines administrative judicial mailing expenses and fees. For the year of 2023: https://rayp.adalet.gov.tr/resimler/26/dosya/2023-yiliharclar02-01-202311-35-am.pdf (TR)</p> <p>Annually, the Union of Bar Associations issues proxy stamp allowances on its webpage: https://www.barobirlik.org.tr/Haberler/vekalet-pulu-odenekleri-5430 (TR)</p>

<p>SDS.9.a</p>	<p>Statelessness status (Group 1)</p>	<p>Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.</p>	<p>UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	<p>Yes, the Law on Foreigners and International Protection specifies that the SDP results in the issuance of a Stateless Person Identification Document (i.e., the conferral of statelessness status) for individuals determined as stateless. In alignment with international standards, this document grants the right to stay in the country and serves as a substitute for a residence permit. Additionally, statelessness status holders cannot be deported unless they pose a serious threat to public order or public security.</p>	<p>Articles 50 (1) and (2) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 51 (1) (b) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (3) (a) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p>
<p>SDS.9.b</p>		<p>How long is initial status granted for and is it renewable?</p>	<p>UNHCR, Handbook on Protection (2014): It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.</p>	<p>According to the law, the Stateless Person Identification Document, which grants statelessness status, is automatically renewed every two years as long as the person's statelessness situation continues.</p>	<p>Article 50 (2) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (1) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p>
<p>SDS.9.c</p>		<p>Is a travel document issued to people recognised as stateless?</p>	<p>1954 Convention: Article 28.</p>	<p>According to the law, persons with statelessness status have the right to apply for a travel document (i.e., a foreigner's passport) under the conditions set out in the Turkish Passport Law. This law stipulates that stateless persons can obtain passports issued by the Ministry of Interior, which are valid for either a single entry into or a single exit from Türkiye. It is not possible to obtain a passport for multiple entries or exits in Türkiye. The foreigner's passport becomes valid upon entry into Türkiye, if it is issued for entry, or upon arrival in the country specified in the passport's endorsement, if it is issued for exit from Türkiye. Foreigners' passports issued for a single departure or arrival have a minimum validity of three months, as determined by the Ministry of Interior.</p>	<p>Article 51 (1) (d) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (1) (d) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p> <p>Article 18 of the Passport Law No. 5682 that took effect upon its publication in the Official Gazette (No. 7564, dated 24 July 1950): http://www.lawsTürkiye.com/law/passport-law-5682 (EN)</p>
<p>SDS.9.d</p>		<p>Do people recognised as stateless have a right to family reunification?</p>	<p>UNHCR, Handbook on Protection (2014): Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.</p>	<p>There is no specific reference to family reunification for persons recognised as stateless in the law. However, the law acknowledges that persons with statelessness status may apply for one of the residence permits in accordance with the conditions set out in the law. Statelessness status holders have access to six types of residence permits, including (a) short-term residence permit; (b) family residence permit; (c) student residence permit; (ç) long-term residence permit; (d) humanitarian residence permit; (e) residence permit for victims of human trafficking.</p> <p>Upon obtaining one of the above residence permits, individuals with a Stateless Person Identification Document undergo a change in status, transitioning from statelessness status holders to holders of the relevant residence permit. The rules regarding the duration of the permit and rights attached to it will apply to the person. Indeed, when individuals undergo a change in status, they can only benefit from the rights associated with that specific status. As a general rule, individuals can hold only one legal status outlined in the law and can only benefit from the rights granted with regard to that status.</p>	<p>Article 51 (1) (a) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (3) (a) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p> <p>Article 30 (1) of the Law on Foreigners and International Protection on residence permits: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 34 and 35 of the Law on Foreigners and International Protection regarding the family residence permit and the eligibility criteria for obtaining it: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>

				<p>Among these residence permits; the family residence permit allows individuals to reunite with their family members. Accordingly, a family residence permit with a maximum duration of three years at a time may be granted to the following categories of persons:</p> <ul style="list-style-type: none"> • Foreign spouses, • Foreign children or minor foreign children of the spouse, • dependent foreign children or dependent foreign children of their spouse. <p>It is important to note that the duration of the family residence permit cannot, under any circumstances, exceed the duration of the sponsor's residence permit.</p> <p>The following conditions apply to the sponsor when applying for a family residence permit:</p> <ul style="list-style-type: none"> - The sponsor must have a monthly income not less than the minimum wage, which is at least one third of the minimum wage for each family member. - The sponsor must live in accommodation that meets general health and safety standards, is suitable for the number of family members and has medical insurance covering all family members. - The sponsor must be able to prove that they have not been convicted of any crime against the family in the five years prior to the application, supported by a certificate of good conduct. - The sponsor must have resided in Türkiye for at least one year with a residence permit and - The sponsor must be registered in the address registration system. 	<p>content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>
SDS.9.e		<p>On what grounds (if any) may residence status granted to stateless people be revoked? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?</p>	<p>UNHCR, Handbook on Protection (2014): If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.</p>	<p>As per the law, the Stateless Person Identification Document (i.e., statelessness status) may be revoked under the following circumstances:</p> <ul style="list-style-type: none"> • If individuals acquire the nationality of another country. • When it is determined that they provided false information and documents during their application. • If a deportation decision is issued against them due to posing a significant threat to public order or public security. <p>Nevertheless, the law does not include any provision regarding the assessment of proportionality before making the revocation decision.</p>	<p>Article 50 (4) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (4) of the Implementing Regulation of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p>

<p>SDS.9.f</p>		<p>Do people granted statelessness status have permission to work?</p>	<p>1954 Convention: Article 17 UNHCR, Handbook on Protection (2014): The right to work must accompany a residence permit.</p>	<p>According to the law, persons with statelessness status have the right to apply for a work permit under the conditions set out in the Law on International Labour Force.</p> <p>The Law on International Labour Force repealed Law No. 4817 on Work Permits for Foreigners. Specifically, Article 26 of the Law on International Labour Force provides that references in the legislation to Law No. 4817 on Work Permits for Foreigners shall be deemed to be references to the Law on International Labour Force. Therefore, the references in the Law on Foreigners and International Protection and its implementing regulation are to the Law on International Labour Force.</p> <p>Article 16 of the Law on International Labour Force includes stateless persons in the category of foreigners who may exceptionally be granted a work permit. It also mentions that stateless persons may be granted exemptions in relation to the application of Articles 7, 9 and 10 of the International Labour Law. Article 7 deals with the procedure and assessment of applications for work permits, Article 9 with the rejection of applications for work permits and Article 10 with the type of work permit. However, the law does not explicitly specify the exemptions to be granted to stateless persons in the implementation of these articles.</p>	<p>Article 51 (1) (ç) of the Law on Foreigners and International Protection on work permits: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 50 (3) (ç) of the Implementing Regulation of the Law on Foreigners and International Protection on work permits: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p> <p>The Law No. 6735 on International Labour Force that took effect upon its publication in the Official Gazette (No. 29800, dated 13 August 2016): https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=103259&p_count=1&p_classification=17 (TR)</p>
<p>SDS.9.g</p>		<p>Do people granted statelessness status have access to primary, secondary, and higher education?</p>	<p>1954 Convention: Article 22</p>	<p>The Turkish Constitution ensures the right to education for everyone, extending this guarantee to foreigners on an equal basis with Turkish citizens. However, the Law on Foreigners and International Protection does not explicitly acknowledge the right to education for those with statelessness status.</p> <p>Despite this gap, the 2014 Circular on Education and Training for Foreigners, issued by the Ministry of Education, provides guidelines to facilitate access to education and training services, especially for foreigners within the compulsory education age. Consequently, foreigners can enrol in various educational institutions by fulfilling specific criteria, such as having residence permits defined in the Foreigners and International Law, being exempt from residence permits as outlined in the same law, or being under temporary protection.</p> <p>Individuals granted statelessness status, holding the Stateless Person Identification Document, are exempt from the residence permit requirement according to the Law on Foreigners and International Protection. This exemption allows them to enrol in all types and levels of educational institutions.</p> <p>Hence, individuals granted statelessness status enjoy unhindered access to primary, secondary, and higher education.</p>	<p>Article 42 of the Constitution of the Republic of Türkiye guarantees the right to education for all individuals: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)</p> <p>The 2014 Ministry of Education Circular on Education and Training for Foreigners No. 2014/21: http://mevzuat.meb.gov.tr/dosyalar/1715.pdf (TR)</p> <p>Article 20 of the Law on Foreigners and International Protection lists individuals issued with Stateless Person Identification Document among those who are exempted from residence permits: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>
<p>SDS.9.h</p>		<p>Do people granted statelessness status have access to social security and healthcare?</p>	<p>1954 Convention: Articles 23 & 24 UNHCR, Handbook on Protection (2014): The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>In Türkiye, the General Health Insurance Scheme requires all residents to have some form of health insurance, whether public or private. The scheme provides free health care for individuals whose income falls below a certain threshold and who therefore find it difficult to afford the premiums for their health insurance. The General Health Insurance Scheme includes stateless persons who have undergone the SDP and have been issued with the Stateless Person Identification Document, which confirms their statelessness status.</p>	<p>Law No. 5510 on Social Security and General Health Insurance that took effect upon its publication in the Official Gazette (No. 26200, dated 16/6/2006): http://www.lawsTürkiye.com/law/social-insurance-and-universal-health-insurance-law-5510 (EN)</p>

				Persons enrolled in the General Health Insurance Scheme have the privilege of having immediate access to basic services such as initial diagnosis, treatment, and rehabilitation in primary health care facilities. These facilities also provide screening and immunisation against infectious diseases, specialised services for infants, children and adolescents, and maternal and reproductive health services. In addition, beneficiaries of the General Health Insurance Scheme have the right to receive immediate care at public hospitals and research/teaching hospitals in their province.	
SDS.9.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? [Section complete, proceed to DET]	1954 Convention : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No, the right to vote is reserved exclusively for Turkish nationals in both local and national elections.	Article 67 of the Constitution of the Republic of Türkiye: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>In Türkiye, immigration detention is an administrative measure that is not supposed to be punitive in nature. The power to issue detention orders is legally vested in the governorates, with practical implementation carried out by the provincial Directorates of Migration Management. It is important to note that Türkiye also uses alternative places for immigration-related detention, such as police stations, <i>ad hoc</i> sites, and airport transit facilities.</p> <p>The Law on Foreigners and International Protection provides for two types of immigration detention: detention for the purpose of deportation (Article 57) and detention of applicants for international protection during the processing of their applications (Article 68). As a matter of good practice, the authorities responsible for migration management avoid automatically resorting to the latter form of detention as a routine procedure. This ensures that persons seeking international protection are not detained solely on the basis of their asylum application. In practice, immigration detention is mainly applied to persons awaiting deportation proceedings.</p> <p>The 2019 amendments to the Law on Foreigners and International Protection introduced alternatives to detention (ATDs). These include: (a) residence at a specified address; (b) notification; (c) family-based repatriation; (ç) return counselling; (d) voluntary work in public services; (e) guarantee; (f) electronic monitoring.</p> <p>In September 2022, the implementing regulation on ATDs came into effect. This regulation provides the option to replace immigration detention with measures that do not restrict an individual's liberty when they have received a removal order. These measures can be applied for a maximum duration of 24 months, and failure to comply can lead to pre-removal detention.</p> <p>According to the regulation, ATDs can be applied to the following groups of people:</p> <ul style="list-style-type: none"> • Individuals whose immigration detention has been terminated. • Individuals considered suitable for alternative duties without an immigration detention decision. • Individuals whose immigration detention has been terminated following an assessment by the Presidency of Migration Management or the relevant Provincial Directorate of Migration Management. • Individuals whose immigration detention was terminated by the decision of the Provincial Directorate of Migration Management based on the ruling of a Criminal Judgeship of Peace. <p>Limited information is available on the practical implementation of this new legal framework on ATDs. In practice, it has been observed that the implementation of ATDs across the country is still largely focused on the notification and residency requirements, both of which were in place prior to the adoption of the new regulation. There are challenges in the effective and systematic implementation of the assessment of alternatives to detention.</p>	<p>Articles 57 and 68 of the Law on Foreigners and International Protection on immigration detention: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 58 of the Law on Foreigners and International Protection on removal centers: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Refugee Rights Turkey. Rights of persons under administrative detention in Türkiye. August 2018: http://www.mhd.org.tr/images/yayinlar/MHM-68.pdf (EN)</p> <p>Article 57(A) of the Law on Foreigners and International Protection on alternatives to detention: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>The Regulation concerning ATDs that took effect upon its publication in the Official Gazette (No: 31953, dated: 14 September 2022): https://www.resmigazete.gov.tr/eskiler/2022/09/20220914-3.htm (TR)</p> <p>European Council on Refugees and Exiles (ECRE). Asylum Information Database (AIDA). Country Report: Türkiye. Alternatives to Detention: https://asylumineurope.org/reports/country/turkiye/detention-asylum-seekers/legal-framework-detention/alternatives-detention/#:~:text=In%20September%202022%2C%20the%20long,was%20issued%20a%20deportation%20order (EN)</p> <p>Article 38 (5) of the Constitution of the Republic of Türkiye: prohibiting the executive to impose any sanction resulting in the restriction of personal liberty: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)</p>

DET.1.b		<p>Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.</p>	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>The law allows foreigners to be deported to their country of origin, a transit country or a third country by means of a deportation order. Importantly, removal is prohibited if individuals would face the death penalty, torture, inhuman or degrading treatment, or if they are receiving treatment for a life-threatening health condition that cannot be provided in the country of removal. The assessment of whether individuals fall within the scope of the exemption from deportation must be made on a case-by-case basis.</p> <p>Although there is no explicit provision in the law requiring the country of removal to be specified in removal orders, the assessment of the conditions for exemption from removal inherently involves an assessment of the conditions in the country of removal. In other words, not specifying the country of removal makes it impossible to definitively assess the impact of a possible removal on the individual (i.e., the risks the individual would face in the country of removal). It is therefore necessary to specify the country of removal in removal orders.</p> <p>In practice, removal orders issued by migration management authorities often do not specify a country of removal. Nevertheless, there have been numerous cases in which administrative courts have annulled these orders because of the absence of a specified country of removal. The reasons given in these annulment decisions are generally based on the lack of legal certainty and the failure of the administration to fulfil its obligation to collect information and carry out assessments with regard to exemption from deportation.</p>	<p>Article 52 of the Law on Foreigners and International Protection on removal: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 55 of Law on Foreigners and International Protection on the exemption from removal: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Examples of cases in which the courts have annulled removal orders due to the non-specification of the country of removal can be found in Refugee Rights Turkey's Case-Law Database:</p> <ul style="list-style-type: none"> • Zonguldak Administrative Court (Case No: 2021/880, Decision No: 2022/2, Decision Date: 7/1/2022): https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/zonguldak-idare-mahkemesi-2022-2-sayili-karari/ (TR) • Kayseri 1st Administrative Court (Case No: 2022/786, Decision No: 2022/1342, Decision Date: 21/10/2022): https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/kayseri-1-idare-mahkemesi-2022-1342-sayili-karari/ (TR) • Van 1st Administrative Court (Case No: 2021/1494, Decision No: 2021/1765, Decision Date: 19/11/2021): https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/van-1-idare-mahkemesi-2021-1765-sayili-karari/ (TR) • Van 1st Administrative Court (Case No: 2021/1180, Decision No: 2021/1764, Decision Date: 19/11/2021): https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/van-1-idare-mahkemesi-2021-1764-sayili-karari/ (TR) • İzmir 1st Administrative Court (Case No: 2020/534, Decision No: 2020/1198, Decision Date: 14/10/2020): https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/izmir-1-idare-mahkemesi-2020-1198-sayili-karari/ (TR)
DET.1.c		<p>Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.</p>	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009)</p>	<p>The law requires a regular monthly review by the Provincial Directorates of Migration Management to assess the need for continued pre-removal detention. If deemed necessary, these reviews can take place without waiting for the prescribed interval. Following the review, detainees must be released if the reasons for their detention are no longer valid. In such cases, they may be subject to ATDs. In practice, however, there have been cases where migration management authorities have failed to carry out these reviews, leading to prolonged detention of individuals. Furthermore, there are challenges in the effective and systematic implementation of the assessment of alternatives to detention. The law clearly outlines the reasons for detaining individuals for the purpose of removal (see DET.2.a.) and the reasons to remove an individual from Türkiye, which must be considered when assessing the validity of the detention order or the removal order. However, this list does not address any matters concerning statelessness, and the lack of a reasonable prospect of removal is not listed as a reason to release a person from detention.</p>	<p>Articles 54 and 57 (4) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 (3) and Article 59 (7) of the Implementing Regulation of the Law on Foreigners and International Protection on ATDs: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_lofip_17_03_2016_eng.pdf (EN)</p>

<p>DET.2.a</p>	<p>Identification of statelessness</p>	<p>Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.</p>	<p>ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>According to the law, individuals may be apprehended by law enforcement for various immigration-related reasons, including overstaying a visa, revocation of a residence permit, violations of entry or stay regulations, and rejection of international protection applications, among others. Law enforcement is obligated to promptly inform the Provincial Directorates of Migration Management about these apprehended individuals, allowing for decisions on whether they should be removed. However, not all individuals issued a removal order can be detained. Certain grounds justify the detention of those individuals, which include: (1) being at risk of absconding, (2) violating entry and exit protocols, (3) using fraudulent documentation, (4) failing to depart within the allocated timeframe, or (5) posing a potential threat to public order, security, or health. Stateless individuals, particularly those who have not entered into the SDP, or stateless refugees who have not entered into the RSD, may be subject to detention for removal purposes under the conditions listed in the law. Nevertheless, it is crucial to emphasise that statelessness <i>per se</i> does not constitute a ground for pre-removal detention.</p> <p>Under the law, detaining individuals seeking international protection must be an “extraordinary” measure, permissible only under specific circumstances. Such detention is justifiable in cases where: (1) there are significant uncertainties about the individual's identity or nationality (particularly for applicants suspected of providing inaccurate information about their identity or nationality); (2) prevention of unlawful entry at border checkpoints is necessary; (3) clarification of the basis for their application is required; or (4) the individual poses a substantial risk to public order or security. If a stateless asylum seeker applying for international protection declares a lack of nationality, this should not constitute a ground for their detention. Since stateless refugees are eligible for international protection, the legal framework allows for their potential detention on these grounds. However, as noted earlier, in practice, migration management authorities do not automatically resort to detaining individuals seeking international protection as a routine practice. Consequently, asylum-seekers, including stateless refugees, are not detained solely based on their international protection claims.</p> <p>On the other hand, asylum-seekers detained for the purpose of removal retain the right to apply for international protection, a right that is also extended to stateless refugees. However, in practice, detainees often encounter obstacles when trying to initiate their international protection applications from detention facilities. Furthermore, there is currently no established official mechanism to identify asylum-seekers, including stateless refugees, within detention facilities or to facilitate their referral to the RSD or SDP, depending on the individual's circumstances.</p>	<p>Article 54 of the Law on Foreigners and International Protection on the legal grounds for issuing a removal order: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 (2) of the Law on Foreigners and International Protection on legal grounds for pre-removal detention: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 68 (2) of the Law on Foreigners and International Protection on legal grounds for detention of applicants seeking international protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 65 (5) of the Law on Foreigners and International Protection on the right to seek asylum from detention: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>
<p>DET.2.b</p>		<p>Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.</p>	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>As previously noted, the Law on Foreigners and International Protection introduces a classification referred to as "persons with special needs," corresponding to vulnerability. This group encompasses unaccompanied minors, persons with disabilities, elderly individuals, pregnant women, single mothers or fathers accompanied by a child, or individuals who have suffered from torture, sexual assault, or severe psychological, physical, or sexual abuse. However, statelessness falls outside this category.</p>	<p>Article (3) (1) (I) of the Law on Foreigners and International Protection provides the definition of persons with special needs: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p>

				Generally, the law does not regard statelessness as a factor that heightens vulnerability.	
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p> <p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>	<p>According to the Law on Foreigners and International Protection, the issuance of a detention order necessitates an individualised assessment of the need for detention, taking into account specific personal circumstances.</p> <p>The law explicitly excludes one particular vulnerable group, unaccompanied minors applied for international protection, from detention as they must be placed in suitable accommodation facilities under the authority of the Ministry of Family and Social Services. No other vulnerable groups are exempt from detention under the law.</p> <p>Within the framework of the Law on Foreigners and International Protection, individuals with special needs detained in removal centres do not have dedicated provisions or protections. However, the secondary regulation establishes a set of overarching principles that must be followed in all aspects of removal centre operations, with a focus on prioritising individuals with special needs. It also mandates the provision of suitable spaces tailored to accommodate the requirements of individuals with special needs. Nonetheless, there is currently no publicly accessible official screening mechanism to identify vulnerabilities within the detention facilities.</p>	<p>Article 57 (1) and 68 (3) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 66 (1) (b) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 4 (1) (ç) and Article 14 (1) (d) of the on the Establishment and Operations of Reception and Accommodation Centres and Removal Centres that took effect upon its publication in the Official Gazette (No. 28980, dated 22/4/2014): https://www.resmigazete.gov.tr/eskiler/2014/04/20140422-5.htm (TR)</p> <p>The Regulation concerning ATDs that took effect upon its publication in the Official Gazette (No: 31953, dated: 14 September 2022): https://www.resmigazete.gov.tr/eskiler/2022/09/20220914-3.htm (TR)</p>
DET.2.d		Are stateless people detained in practice?	As above.	Yes. Similarly to other undocumented or unregistered individuals, stateless people, namely those who have not registered as applicants for statelessness or international protection statuses (i.e., those who have not entered into SPD or RSD processes) are at heightened risk of detention.	Refugee Rights Turkey
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4)</p> <p>ECHR: Article 5(4)</p> <p>EU Return Directive: Articles 12, 13 and 15(5)</p> <p>HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p> <p>UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal</p>	<p>The legal structure in Türkiye guarantees essential procedural safeguards for individuals held in immigration detention. The Constitution enshrines fundamental procedural safeguards for anyone who has been deprived of their liberty, including in situations involving the “apprehension or detention of a person attempting to unlawfully enter the country or for whom a deportation or extradition order is issued.” Furthermore, the Law on Foreigners introduces the following specific safeguards that are applicable to all individuals under immigration detention, irrespective of the grounds for their confinement.</p> <ul style="list-style-type: none"> Individuals facing detention for removal purposes must be transferred from police stations to a removal centre within 48 hours of the detention order issuance. Pre-removal detention is permitted for an initial duration of 6 months, and in cases where non-cooperation leads to removal failure, this period can be extended for an additional 6 months. Additionally, the duration of the detention for international protection applicants must not exceed 30 days. The Provincial Directorates of Migration Management are required to conduct monthly reviews to assess the ongoing necessity of pre-removal detention. If deemed necessary, these reviews can take place before the 	<p>Article 19 of the Constitution of the Republic of Türkiye: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN)</p> <p>Articles 57 (3) and 68 (5) of the Law on Foreigners and International Protection on the maximum period of detention: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 (4) of the Law on Foreigners and International Protection on periodic reviews for detention for removal purposes: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 68 (6) of the Law on Foreigners and International Protection on the residence and notification obligations for international protection applicants: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 57 (6) and 68 (7) of the Law on Foreigners and International Protection on judicial oversight of detention orders:</p>

			<p>representation, including free counselling for those without means.</p> <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest.</p> <p>Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p> <p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p>ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>prescribed monthly interval. If, after the review, it is determined that the grounds for detention are no longer valid, detainees must be released. In such cases, these individuals may be subject to ATDs. On the other hand, automatic periodic reviews of detention decisions for international protection applicants are not in place. Nevertheless, at each stage of detention within the international protection procedure, the possibility of release exists, and applicants might be required to fulfil residence, notification obligations. Moreover, international protection procedures for detained applicants must be expedited, and detention must be promptly terminated if the original conditions are no longer applicable.</p> <ul style="list-style-type: none"> • The decision to detain can be contested at any time before the competent Criminal Judgeships of Peace. These appeals do not carry a "suspensive effect" on the execution of detention orders. The Criminal Judgeships of Peace are obliged to conclude the appeals within 5 days, and their decision is final and unappealable. However, there are no limitations on new appeals if the grounds for detention are no longer valid or have changed. Additionally, individuals under pre-removal detention also have the right to challenge a removal order to the competent Administrative Court within 7 days after being notified of the decision. The Administrative Court must finalise the appeal within a period of 15 days, and this ruling is final. Initiating this appeal suspends the execution of the removal order from the moment it is communicated to the authority that issued the removal decision. However, filing an appeal against the removal decision alone does not bring a halt to the detention. • Individuals held under detention have the right to access legal assistance, counselling, and representation services. Should they opt to shoulder the financial responsibilities associated with attorney's services, they have the option to engage a private lawyer. Those lacking the financial means to secure a lawyer can avail themselves of free legal services offered by the state-funded Legal Aid Scheme run by provincial bar associations. Furthermore, they have the opportunity to make use of legal services provided by non-governmental organisations. • Detainees, as well as their legal representatives, or lawyers, must be duly notified about the detention and removal orders, potential extensions of the detention period, and the results of monthly regular reviews that assess the necessity of continued detention, along with the reasons behind these determinations. In cases where detainees are not represented by a lawyer, they themselves or their legal representative must receive clear information in a language they understand regarding the implications of the detention order, the appeal procedure, and the prescribed time limits for filing an appeal. 	<p>https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 53 (3) of the Law on Foreigners and International Protection on judicial oversight of removal orders: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 (7) and 81 of the Law on Foreigners and International Protection on the right to legal support and legal aid of detainees: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 (5) and 68 (4) of the Law on Foreigners and International Protection on the right to information of detainees: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Articles 59 and 68 (8) of the Law on Foreigners and International Protection on visitation and communication rights of detainees: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article (7) of the Regulation concerning ATDs that took effect upon its publication in the Official Gazette (No: 31953, dated: 14 September 2022): https://www.resmigazete.gov.tr/eskiler/2022/09/20220914-3.htm (TR)</p>
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DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust, Guidelines (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	<p>Despite the existence of a relatively comprehensive legal framework providing basic procedural safeguards for persons held in immigration detention, the practical implementation of these measures is often limited. Authorities often fail in their duty to provide detainees with essential information about the reasons for their detention, the procedures they will face and their rights during their detention. This information gap extends to vital rights such as access to the asylum procedure and legal assistance. While a standardised information notice is produced by the Presidency of Migration Management in different languages, the available information here is limited, and immigration detainees are reported to be unable to inquire about their individual situations directly to the authorities. Similarly, although there are multilingual posters, flyers, and brochures in some detention centres, including contact numbers of legal aid offices, these materials are not truly informative, as they are outdated, unclear or simply overlooked. No specific guidelines for the SDP for stateless detainees were observed.</p> <p>While asylum-seekers detained for the purpose of removal retain the right to apply for international protection, in practice, detainees often encounter obstacles when trying to initiate their international protection applications from detention facilities. Furthermore, there is currently no established official mechanism to identify asylum-seekers, including stateless refugees, within detention facilities or to facilitate their referral to the RSD or SDP, depending on the individual's circumstances.</p>	Refugee Rights Turkey practice
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	No. However, Article 57/3 of the Law on Foreigners and International Protection states that if a deportation order cannot be executed because the detainee fails to cooperate or provides false information or documents about their country of origin, such failures may constitute grounds for further extension of the period of detention.	Article 57(3) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures	It has been noted that individuals released from detention are provided with a document known as the 'Immigration Detention Termination Notification Form,' commonly referred to as the 'T6 Form.' This T6 Form includes crucial personal information such as the individual's name, surname, date of birth, nationality, and language. Its primary purpose is to define their responsibilities within the framework of ATD measures, which generally involve requirements of residence and reporting.	Article 57(A) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)

			<p>are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>The residence requirement mandates that these individuals must reside within a specific province, ensuring that they remain within a designated geographic area as a condition of their release. The reporting requirement obliges them to maintain regular contact with a designated Provincial Directorate of Migration Management. To meet this obligation, individuals are asked to provide their signature at predetermined intervals. This reporting mechanism serves as a means of monitoring their compliance with the terms of their release and ensuring their ongoing engagement with immigration authorities.</p> <p>However, it is important to note that the T6 form explicitly clarifies that the imposition of ATDs does not confer a legal right to remain in the country and underscores that removal proceedings are still in progress. Individuals who receive this form are required to fulfil their specified responsibilities until they are officially removed from the country. Non-compliance with these obligations may result in their re-detention.</p>	
DET.4.b		<p>If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?</p>	<p>CJEU, Kadzoev, C-357/09 PPU (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>The abovementioned practice of issuing the T6 form also applies to individuals who are released from detention when the initial purpose of their detention cannot be fulfilled. Such individuals are not granted any legal status or rights, including the right to legal stay in the country. They are solely obliged to comply with their designated duties until they are removed.</p>	<p>Article 57(A) of the Law on Foreigners and International Protection: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 57 and Article 59 (7) of the Implementing Regulation of the Law on Foreigners and International Protection on ATDs: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/implementing_regulation_of_l_fip_17_03_2016_eng.pdf (EN)</p>
DET.5.a	Return and readmission agreements	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?</p>	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>Notably, in the EU-Türkiye Readmission Agreement of 2014, statelessness is recognised as a legally relevant factor. However, the Agreement does not incorporate specific provisions tailored to address the unique circumstances of statelessness, treating stateless individuals equivalently to nationals of EU member states, Türkiye, or third countries. Currently, this agreement is not applied.</p> <p>The Readmission Agreement does not specifically mention the principle of the child's best interest or the child's right to nationality. Regarding provisions related to children, it only addresses: (1) the readmission by Türkiye of minor unmarried children of Turkish nationals, irrespective of their place of birth or nationality, unless they possess a right of residence in an EU Member State; and (2) the readmission by EU Member States of minor unmarried children of EU nationals, regardless of their place of birth or nationality, unless they possess a right of residence in Türkiye.</p>	<p>Agreement between the European Union and the Republic of Türkiye on the readmission of persons residing without authorisation. Document 22014A0507(01). Ankara, 16/12/2013: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A22014A0507%2801%29</p>
DET.5.b		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p>No.</p>	

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	<p>1954 Convention: Article 32</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>Under the Turkish Citizenship Law, Turkish citizenship can be acquired either at birth or subsequently during one's lifetime. Citizenship acquired later is granted through three ways: (1) a decision made by a competent authority; (2) adoption; (3) or the right to choose, which is applicable particularly to children who had lost their Turkish citizenship because of their parents.</p> <p>Aside from exceptional cases such as acquisition by marriage or investment, there exists a standard procedure for acquiring Turkish citizenship through a decision of a competent authority. Accordingly, foreigners who meet the following conditions are eligible to acquire Turkish citizenship upon a decision by the Ministry of Interior:</p> <ul style="list-style-type: none"> • Being of the legal age of consent, with the capacity to distinguish according to their national legal system or Turkish law if they are stateless. • Maintaining continuous lawful residence in Türkiye for five years. • Confirming with their behaviour that they have decided to settle in Türkiye. • Not having any diseases that pose a risk to public health. • Demonstrating good moral character. • Proficiency in the Turkish language. • Having a source of income or occupation in Türkiye to sustain their livelihood. • Not having been absent from Türkiye for more than 12 months before the application date. • Not having any conditions that could be considered a threat to national security and public order. <p>The application is subject to the payment of a fee.</p> <p>Stateless people who have undergone the SDP and have been issued a Stateless Person Identification Document may seek Turkish citizenship by meeting these criteria specified in the law. The duration of their stay in Türkiye as holders of Stateless Person Identification Document counts towards the period of five years of continuous lawful residence that is required to apply for Turkish citizenship.</p> <p>Nevertheless, under the Temporary Protection Regulation, individuals with temporary protection status from Syria are not eligible to apply for Turkish citizenship through the standard procedure. In practice, Syrian nationals have predominantly acquired Turkish citizenship under extraordinary circumstances, often through investments or marriage. A number have also secured Turkish citizenship because of their contributions to various sectors such as industry, science, economy, culture, society, and sports.</p> <p>Furthermore, the Law on Foreigners and International Protection lacks provisions for naturalisation or resettlement within Türkiye for international protection applicants and status holders, who do not have the option of naturalisation. Instead, it permits them to</p>	<p>The Turkish Citizenship Law No. 5901 that took effect upon its publication in the Official Gazette (No. 27256, dated 12/6/2009): http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>The Implementing Regulation of the Turkish Citizenship Law that took effect upon its publication in the Official Gazette (No. 27544, dated 6/4/2010): https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p> <p>For information regarding the acquisition of Turkish citizenship, please refer to: https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/SR/NationalityImmigration/Türkiye.pdf (EN)</p> <p>Article 5 of the Turkish Citizenship Law on the ways of acquiring Turkish citizenship: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Article 9 of the Turkish Citizenship Law on the acquisition of Turkish citizenship at a later stage in life: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Article 10 of the Turkish Citizenship Law on acquisition of Turkish citizenship by the decision of competent authority: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Article 11 of the Turkish Citizenship Law on the conditions required for Turkish citizenship application: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Article 50 (3) of the Law on Foreigners and International Protection on the calculation of periods of residence in Türkiye for individuals who possess a Stateless Person Identity Document: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/04/LoFIP_ENG_DGMM_revised-2017.pdf (EN)</p> <p>Article 25 of the Temporary Protection Regulation prohibits Syrians under temporary protection from applying for Turkish citizenship: https://www.goc.gov.tr/kurumlar/goc.gov.tr/Gecici-Koruma-Yonetmeligi-Ingilizce.pdf (EN)</p> <p>Article 16 of the Implementing Regulation of the Turkish Citizenship Law pertains to the preliminary investigation of applicants for Turkish citizenship: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p>

				<p>remain in the country until they can be resettled in a third country or safely return to their country of origin. The implicit recognition of the right to local integration is exclusively applicable to 'refugees,' particularly those originating from Europe. The rights and obligations delineated in the law are specifically intended to assist 'conditional refugees' and 'beneficiaries of subsidiary protection' in maintaining their livelihood while temporarily residing in Türkiye, and until they are resettled or choose to repatriate voluntarily.</p> <p>Moreover, as per the Implementing Regulation of the Turkish Citizenship Law, individuals aiming to obtain Turkish citizenship through the standard procedure are subject to a preliminary investigation. This inquiry evaluates whether the applicant fulfils the conditions prescribed in the law for applying for Turkish citizenship, including having the intention to settle in Türkiye. However, as stated in the relevant provision, asylum seekers (which includes international protection applicants and status holders and beneficiaries of temporary protection) are categorically considered not to possess the intention to settle in Türkiye. This confirms that the legal framework in Türkiye focuses on asylum-seekers' eventual resettlement in a third country or safe voluntary repatriation, rather than facilitating their long-term settlement in Türkiye.</p>	<p>Article 16 (2) (c) of the Implementing Regulation of the Turkish Citizenship Law stating that asylum seekers do not have the intention to reside in Türkiye: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p>
PRS.1.b		<p>Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.</p>	<p>CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.</p>	<p>Yes. As previously stated, under the Turkish Citizenship Law, the prerequisites for applying for Turkish citizenship under standard procedure encompass the following criteria:</p> <ul style="list-style-type: none"> • Demonstrating good moral character. • Possessing no conditions that may be deemed a threat to national security and public order. <p>Although both criteria might hinder the naturalisation of certain stateless individuals, the second requirement in the law, formulated in an excessively broad and sweeping manner, has the potential to be applicable to individuals with previous criminal records.</p> <p>Furthermore, according to the Implementing Regulation of the Turkish Citizenship Law, individuals seeking Turkish citizenship through the standard procedure undergo a preliminary investigation. This inquiry assesses whether the applicants are currently facing trial for any offence, have prior convictions, or are presently detained. If such circumstances are confirmed, their citizenship applications are not accepted. Consequently, a specific provision also exists related to criminal offences that could hinder the naturalisation of certain stateless individuals.</p>	<p>Article 11 of the Turkish Citizenship Law on the conditions required for Turkish citizenship application: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Article 16 of the Implementing Regulation of the Turkish Citizenship Law pertains to the preliminary investigation of applicants for Turkish citizenship: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p> <p>Article 16(2)(ç) of the Implementing Regulation of the Turkish Citizenship Law pertains to applicants for Turkish citizenship who are currently on trial, have been convicted, or are detained for any offense, and their applications will not be accepted: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p>
PRS.1.c		<p>Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.</p>	<p>1954 Convention: Article 32 UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021): States</p>	<p>No, Turkish legislation does not contain any specific provisions that grant exemptions to stateless individuals from the general conditions required for applying for Turkish citizenship through the standard procedure, including proficiency in the Turkish language, the ability to sustain oneself through income or occupation, the capacity to adapt to social life in Türkiye, and the obligation to pay the application fee.</p> <p>Article 17 (1) (i) of the Implementing Regulation of the Turkish Citizenship Law stipulates a fee that applicants must pay. Like other fees and expenses related to official procedures, this fee</p>	<p>Article 39 of the Implementing Regulation of the Turkish Citizenship Law on the failure to provide application documents: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p>

			should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	fluctuates over time due to the frequently changing inflation in Türkiye. Therefore, it is not a fixed amount. The sole exemption concerning stateless individuals is outlined in the Implementing Regulation of the Turkish Citizenship Law, specifically addressing the absence of required application documents. In light of this, if the foreigner seeking Turkish citizenship is stateless and unable to provide the requisite documents for a Turkish citizenship application, this circumstance is reported to the Ministry of Interior, and further actions are determined based on the instructions received. Should the Ministry instruct that the document, which the stateless applicants cannot provide, should not be requested, a written declaration from the concerned individual will be required. This declaration should contain the necessary information included in the documents in question.	
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes, according to the Turkish Citizenship Law, children born in Türkiye, who do not acquire citizenship from either their foreign mother or foreign father, will acquire Turkish citizenship by birth.	Article 8 (1) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS, No Child Should Be Stateless (2015) : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	Under the legislation, obtaining Turkish citizenship for otherwise stateless children necessitates a formal application and does not occur automatically. The application process is regulated by the Implementing Regulation of the Turkish Citizenship Law. Accordingly, for such citizenship acquisition applications, the following documents must be submitted: <ul style="list-style-type: none"> • A petition stating the application request. • A birth certificate confirming the child's birth in Türkiye. • The birth registration issued based on the birth certificate. • Evidence that the children did not acquire citizenship from any other country through their parents. • If both the mother and father are stateless, documentation proving this status, if available. The law does not specifically require the Stateless Person Identification Document issued by the Turkish authorities and it is also possible for parents to show documentation from other countries indicating their statelessness. 	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)

PRS.2.c	Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	No. In practice, there is frequently a lack of awareness among parents, especially refugee parents (whether they are under temporary or international protection), regarding their children's nationality rights in Türkiye. This lack of awareness also extends to situations in which a child might potentially become stateless, as well as their obligations regarding the notification of their children's births to the Population and Civil Registry Departments, as detailed in the upcoming sections.	The Population Services Law No. 5490 that took effect upon its publication in the Official Gazette (No. 26153, dated 29/4/2006): https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR) Article 15 of the Population Services Law on the obligation to notify birth events: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR) The Regulation Governing the Maintenance of Population Records for Foreign Residents in Türkiye that took effect upon its publication in the Official Gazette (No. 26325, dated 20/10/2006): https://www.mevzuat.gov.tr/MevzuatMetin/3.5.200611057.pdf (TR) Article 9 of the Regulation Governing the Maintenance of Population Records for Foreign Residents in Türkiye on the notification obligation: https://www.mevzuat.gov.tr/MevzuatMetin/3.5.200611057.pdf (TR)
PRS.2.d	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	No. Among the factors identified in the law as preventing children born in Türkiye from acquiring citizenship of any country is the statelessness of their parents. As mentioned above, in such cases, documentation proving the statelessness of the parents, if available, is required when these otherwise stateless children apply for Turkish citizenship. However, it is important to emphasise that this is not the only consideration contributing to the statelessness of these children and that the law also recognises various other reasons. Consequently, the law does not grant access to citizenship exclusively to otherwise stateless children whose parents are stateless.	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)
PRS.2.e	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR, Guidelines on Statelessness No. 4 (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	Yes. Under the law, the application for obtaining Turkish citizenship for otherwise stateless children necessitates the submission of documentary evidence that the child did not acquire citizenship from any other country through their parents. There is not enough available information regarding the practical implementation of this provision.	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)
PRS.2.f	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC : Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015) : Recommends the State party ensure that all stateless children born in its territory, irrespective of residency	No, the law does not stipulate such a requirement.	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)

			status, have access to nationality without any conditions. ECN: Article 6(2)(b)		
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	Committee on the Rights of the Child, Concluding observations on Czech Republic (2011) : The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015) : Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	No, the law does not stipulate such a requirement.	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	1961 Convention : Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.	According to the law, there are no age restrictions or fees for otherwise stateless children when applying for Turkish citizenship.	Article 11 of the Implementing Regulation of the Turkish Citizenship Law on the conditions required for Turkish citizenship application by place of birth: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No, Turkish legislation does not have a dedicated provision specifically aimed at safeguarding the right to nationality for children born to refugees.	
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention : Article 2 ECN: Article 6(1)(b)	Yes. As per the Turkish Citizenship Law, a child found in Türkiye is regarded as having been born in Türkiye unless proven otherwise. The Implementing Regulation of the Turkish Citizenship Law stipulates that such children will be registered as per the provisions outlined in the Implementing Regulation of the Population Services Law. In accordance with the relevant provision, foundlings who are unable to communicate due to their young age will be registered at the location where they are found, relying on records maintained by law enforcement officers or relevant institutions that confirm this circumstance, or based on statements provided by those involved.	Article 8 (2) of the Turkish Citizenship Law on foundlings: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN) Article 12 (3) of the Implementing Regulation of the Turkish Citizenship Law on registration of foundlings: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR) Article 32 of the Implementing Regulation of the Population Services Law that took effect upon its publication in the Official Gazette (No. 26355, dated 23/11/2006): https://www.mevzuat.gov.tr/mevzuatmetin/3.5.200611081.pdf (TR)
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No. The law does not specify any age limit that determines when a foundling becomes eligible for Turkish citizenship.	Article 8 (2) of the Turkish Citizenship Law on foundlings: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)

PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No. According to the law, individuals who are granted Turkish citizenship by birthplace, including foundlings, and later acquire the citizenship of their foreign parents, can choose to renounce their Turkish citizenship within three years of reaching adulthood. Nonetheless, if this would result in the person becoming stateless, such renunciation is prohibited, and they will be unable to relinquish their Turkish citizenship.	Articles 34 (1) (ç) and 34 (2) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No. As per the law, individuals who hold Turkish citizenship through descent have the option to renounce their Turkish citizenship within three years from the date they reach adulthood if they acquire the citizenship of a foreign state. However, if such renunciation would lead to the person becoming stateless, it cannot be permitted, and they will be unable to relinquish their Turkish citizenship.	Articles 34 (1) (a) and (b) and 34 (2) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	In accordance with the law, a minor who is adopted by a Turkish citizen has the opportunity to obtain Turkish citizenship. Although there is no age limit explicitly mentioned in the law, it is essential that these minors do not present any risk to national security and public order. Furthermore, if the adoption relationship between the adopted individual and the adopter is terminated through any means after the acquisition of Turkish citizenship, the adopted persons will still maintain their Turkish citizenship.	Article 17 of the Turkish Citizenship Law on the acquisition of Turkish citizenship by adoption: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN) Article 32 (2) of the Implementing Regulation of the Turkish Citizenship Law: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. Turkish Citizenship Law is based on the principle of <i>ius sanguinis</i> . According to the Turkish Citizenship Law, there are three ways through which Turkish citizenship can be acquired by descent, whether a child is born within Türkiye or abroad: <ol style="list-style-type: none"> (1) A child born to a married Turkish father or mother, , is recognised as a Turkish citizen (if born abroad, regardless of whether they also acquire the nationality of the country of birth). (2) A child born out of wedlock to a Turkish mother is considered a Turkish citizen (even if the fathers is a foreign national, stateless, or unknown). (3) A child born out of wedlock to a Turkish father and a foreign mother becomes a Turkish citizen if the conditions and procedures for determining paternity are met. <p>In cases falling under point (3) above, it is essential to confirm the child's descent from a Turkish citizen father. Paternity between a child and their father can be established through marriage to the mother, acknowledgment, or a court judgment. The determination of a biological bond between the father and the child can be established through DNA testing. While the court typically orders a DNA test in cases involving paternity, it is also possible to conduct a DNA test at private laboratories without requiring a court order. When the child's descent is established to be from a Turkish citizen father, they are granted Turkish citizenship from birth, as prescribed by Law No. 5718 on Private International Law and Procedural Law.</p>	Article 66 (2) of the Constitution of the Republic of Türkiye: reiterating <i>ius sanguinis</i> principle: https://www.anayasa.gov.tr/en/legislation/turkish-constitution/ (EN) Article 7 of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN) Article 7 (4) of the Implementing Regulation of the Turkish Citizenship Law: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR) Article 292 of the Turkish Civil Code No. 4721 that took effect upon its publication in the Official Gazette (No. 24607, dated 8/12/2001) regarding the establishment of paternity between the children and their father: https://rm.coe.int/turkish-civil-code-family-law-book/1680a3bcd4 (EN) Article 295 of the Turkish Civil Code on acknowledgement by fathers: https://rm.coe.int/turkish-civil-code-family-law-book/1680a3bcd4 (EN) Article 301 of the Turkish Civil Code on paternity cases: https://rm.coe.int/turkish-civil-code-family-law-book/1680a3bcd4 (EN)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination.	As described in PRS.5.a, while in principle children of Turkish nationals are entitled to Turkish nationality, Turkish law distinguishes whether the child is born in or out of wedlock in the	Article 7 of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (ENG)

		descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>CEDAW, Gen. Rec. 32 (2014): Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023: Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4</p>	<p>prerequisites to acquire Turkish nationality by descent. For children born out of wedlock to a Turkish father and a foreign mother, the law requires the father to confirm his paternity in order to pass on his Turkish nationality.</p> <p>Türkiye does not legally acknowledge same-sex parenthood.</p>	<p>Article 7 (4) of the Implementing Regulation of the Turkish Citizenship Law: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p>
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	<p>CRC: Article 7 ICCPR: Article 24(2) CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	<p>In accordance with the Implementing Regulation of the Turkish Citizenship Law, Turkish citizenship obtained by descent is acquired upon notification. The Population Services Law mandates that the parents, guardians, or trustees of children must notify their births within 30 days of the date of birth to the Population and Civil Registry Departments. This duty to notify applies to foreigners as well.</p> <p>As stipulated by the Population Services Law, the information related to foreigners assigned an identification number is recorded in the foreigners' register. Foreign parents (regardless of their protection regime) must first register themselves with the Turkish authorities and obtain a foreign ID number to be able to register the births of their children in Türkiye. For people holding a Stateless Person Identification Document, this is considered to be a foreign ID number. Registration is a general prerequisite of migration management in Türkiye concerning the provision of rights and services to foreigners, including migrants, asylum seekers, refugees, and stateless individuals. There is a specific regulation designed to oversee the maintenance of population records for foreign residents, known as the Regulation Governing the Maintenance of Population Records for Foreign Residents in Türkiye. Within this regulation, it is also outlined that foreigners whose civil records are maintained must inform the Population and Civil Registry Departments of their place of residence about any civil events concerning them, including the births of their children.</p> <p>As a result, the law imposes a notification duty on both national and foreigner parents for registering the births of their children, rather than placing the obligation on the state.</p> <p>As previously stated, same-sex parenthood is not legally recognised in Türkiye.</p>	<p>Article 7 (1) of the Implementing Regulation of the Turkish Citizenship Law: https://www.mevzuat.gov.tr/MevzuatMetin/21.5.2010139.pdf (TR)</p> <p>Article 15 of the Population Services Law on the obligation to report birth events: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)</p> <p>Article 3 (1) (çç) of the Population Services Law on the foreigners' register: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)</p> <p>Article 9 of the Regulation Governing the Maintenance of Population Records for Foreign Residents in Türkiye on the obligation to notify population events: https://www.mevzuat.gov.tr/MevzuatMetin/3.5.200611057.pdf (TR)</p>
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p> <p>General Comment No 7 (2005) CRC: States parties should take all necessary measures to ensure that all</p>	<p>According to the Population Services Law, distinct provisions apply to births attended by healthcare personnel and those occurring outside the healthcare system. In this regard,</p> <ul style="list-style-type: none"> • Births occurring within healthcare institutions or outside them under the oversight of healthcare personnel are reported to the Population and Civil Registry Departments by the respective healthcare facility. The notification comprises a report or official document verifying the birth's occurrence within a healthcare institution or under the supervision of healthcare personnel, along with a formal application form requesting birth registration. 	<p>Article 15 (2) of the Population Services Law on the births attended by a healthcare personnel: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)</p> <p>Article 15 (4) of the Population Services Law on the births took place outside the healthcare system: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)</p> <p>Article 28 of the Implementing Regulation of the Population Services Law on the birth certificates: https://www.mevzuat.gov.tr/mevzuatmetin/3.5.200611081.pdf (TR)</p>

			<p>children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.</p>	<ul style="list-style-type: none"> Parents are required to verbally declare the birth of children born outside the supervision of healthcare personnel to the Population and Civil Registry Departments. Nonetheless, due to the need for verification, the veracity of these verbal declarations must be investigated upon the directive of the local administrative authority. As a result, these declarations are not officially recorded until the investigation has been completed. <p>In both scenarios, once the birth is registered, the Population and Civil Registry Department issues a birth certificate, including a multilingual birth certificate (Formul A).</p>	<p>For information regarding birth registration, please see: UNHCR Türkiye. Help: Birth and Death registration: https://help.unhcr.org/turkiye/social-economic-and-civil-matters/birth-registration/ (EN)</p> <p>See also: UNHCR Türkiye. Birth Registration: https://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/birth_registration-revisedfin.pdf (EN)</p>
PRS.6.c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	CRC : Articles 3 & 7	<p>The principles governing the determination of nationality for registered children are outlined in the Implementing Regulation of the Population Services Law. These principles are applied based on the method of acquiring Turkish citizenship, as follows:</p> <ul style="list-style-type: none"> Children born to Turkish fathers or Turkish mothers within wedlock or within three hundred days of the dissolution of the marriage for any reason acquire Turkish citizenship starting from their birth. These children take the surname of the father and are entered in the family registry under the father's household. For a child born out of wedlock to a Turkish father and a foreign mother: <ul style="list-style-type: none"> If the father marries the mother, the child automatically becomes a Turkish citizen in accordance with the provisions of the Turkish Civil Code and is registered in the father's household in the family registry. Upon the request of the mother or the child, if the court determines or recognises the parental relationship between the child and the father in accordance with the Turkish Civil Code, the child becomes a Turkish citizen from birth. In this case, the child is registered in his father's household in the family registry with the surname of the father. For children who are also citizens of a foreign state, the process involves a comparison of the identity information provided by the parents to the Civil Registry Offices with the information in Türkiye's civil registry records, as well as the details in the document confirming their foreign citizenship. If there is a match between the credentials, the notification form for individuals with multiple citizenship is completed and recorded in the relevant personal status changes section. If the document confirming their foreign citizenship lacks information about the individuals in question, their birth certificate is cross-referenced with the details in this document. If a match is found, the child's record is updated accordingly. However, if there is no match, their request will be declined. Children born in Türkiye who cannot acquire citizenship from their parents must have this situation documented by the Ministry of Foreign Affairs. If the parents are stateless, the documentation is handled by the General Directorate of 	<p>Articles 22, 23, 38, 39, and 40 of the Implementing Regulation of the Population Services Law: https://www.mevzuat.gov.tr/mevzuatmetin/3.5.200611081.pdf (TR)</p> <p>Articles 292, 295, and 301 of the Turkish Civil Code No. 4721 that took effect upon its publication in the Official Gazette (No. 24607, dated 8/12/2001): https://rm.coe.int/turkish-civil-code-family-law-book/1680a3bcd4 (EN)</p> <p>Article 14 of the Regulation Governing the Maintenance of Population Records for Foreign Residents in Türkiye: https://www.mevzuat.gov.tr/MevzuatMetin/3.5.200611057.pdf (TR)</p>	

				<p>Security. After approval by the Ministry of Interior, these children are officially registered as Turkish citizens.</p> <ul style="list-style-type: none"> In the birth records of children born in Türkiye to foreign citizens, the child's nationality is indicated by stating, "He/she is a citizen of the State of [State Name]." This report includes the names of the mother and father, as well as the place and date of birth as well. The child's information is recorded in the foreigner registry, and the connection between the child and the mother or father who reported the child's birth is established using the foreigner's identification number. <p>In practice, there is often a presumption that the child has the same nationality as the parent(s). For example, children of Syrian mothers born to an unknown or stateless father are usually recorded as Syrian beneficiaries of temporary protection, even though the child may not have acquired the nationality of the mother due to Syria's gender discriminatory nationality laws.</p>	
PRS.6.d		<p>If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.</p>	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)</p>	As above.	
PRS.6.e		<p>Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?</p>	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p>	<p>The challenges pertaining to birth registration in Türkiye primarily focus on children born to Syrian refugees, yet this critical issue has remained largely overlooked, resulting in a dearth of pertinent publications.</p> <p>However, the discussions concerning the obstacles to registering the births of children born to Syrian refugees in Türkiye largely revolve around the following key issues:</p> <ul style="list-style-type: none"> Early, forced, child marriages, Polygamy, Non-registration of the mother's status, Inconsistent and arbitrary practices within both the Population and Civil Registry Department and the Provincial Directorates for Migration Management, A lack of awareness among parents, Challenges in proving the Syrian nationality of a child, which becomes particularly difficult when the Syrian father's name is absent from the birth certificate due to Syria's gender-discriminatory nationality laws. 	<p>Refugees International. Birth Registration in Türkiye: Protecting the Future for Syrian Children. 29 April 2015: https://reliefweb.int/report/Türkiye/birth-registration-Türkiye-protecting-future-syrian-children (EN)</p> <p>Yeşim Mutlu. Elephants in the Room? Syrian 'refugee' children and the risk of statelessness in Türkiye in 'Children and Youth in Varied Socio-Cultural Contexts Theory, Research, Praxis' edited by Urszula Markowska-Manista. Wydawnictwo Akademii Pedagogiki Specjalnej. Warsaw, 2018: https://www.ceeol.com/search/article-detail?id=798463 (EN)</p> <p><i>Bulanık Mekanlarda Gölgede Kalanlar: Suriyeli Mülteci Çocuklar ve Vatansızlık Riski Araştırma Raporu</i> [Shadowed in Blurred Spaces: Research Report on Syrian Refugee Children and the Risk of Statelessness]. March 2016: https://www.researchgate.net/publication/335368613_Hazirlayanlar_Bulanik_Mekanlarda_Golgede_Kalanlar_Suriyeli_Multeci_Cocuklar_ve_Vatansizlik_Riski_Arastirma_Raporu (TR)</p>

			<p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>		
PRS.6.f	Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children’s personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.</p>	<p>Undocumented migrant parents are at risk of detention and deportation in all interactions with authorities or state officials.</p> <p>For children lacking formal registration in the civil registry, the following provisions from the Population Services Law apply:</p> <ul style="list-style-type: none"> • If the Population and Civil Registry Departments become aware of children who have not been notified or unregistered adults, they have the authority to summon the adults themselves, as well as the parents, guardians, or trustees of the children. In the absence of these individuals, their grandparents, siblings, or local mukhtars may be summoned to provide statements. Upon receiving this summons, the relevant parties are required to visit the Population and Civil Registry Departments and make a statement within thirty days. Failure to comply within the specified period may result in law enforcement officers taking necessary measures to compel their cooperation. • Those responsible for orphanages, care facilities, and similar institutions must verify the identity of the children under their care. They are also obligated to report unregistered individuals to the Population and Civil Registry Departments and take appropriate action to ensure their registration. • Law enforcement officers must report individuals who cannot establish their identity during check-stops or other procedures, as well as those who are not listed in the civil registry, to the Population and Civil Registry Departments after taking any required legal measures. • School principals must inform the Population and Civil Registry Departments if they discover that children seeking enrolment are not registered. They should provide the identity and address information of the child's father, mother, guardian, or trustee. • Public and private institutions are required to request identity cards from individuals they intend to employ. In cases where they identify individuals without proper registration, they must notify the Population and Civil Registry Departments, sharing the declared identity and address of these individuals. 	<p>Articles 17 and 18 of the Population Services Law: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)</p> <p>Refugee Rights Turkey</p>	

PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. General Comment No 7 (2005) CRC : States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	As previously stated, in accordance with the Population Services Law, it is a requirement to inform the Population and Civil Registry Departments about a child's birth within 30 days from the date of birth. Nonetheless, this does not serve as an impediment to birth registration, as late birth registration remains a viable option. If the Population and Civil Registry Departments become aware of children who have not been notified or unregistered adults, they have the authority to summon the adults themselves, as well as the parents, guardians, or trustees of the children. In the absence of these individuals, their grandparents, siblings, or local mukhtars may be summoned to provide statements. Upon receiving this summons, the relevant parties are required to visit the Population and Civil Registry Departments and make a statement within thirty days. Failure to comply within the specified period may result in law enforcement officers taking necessary measures to compel their cooperation.	Articles 15 and 16 of the Population Services Law: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Failure to submit the birth notification within the prescribed timeframe results in the imposition of an administrative fine (in 2015 this was a low fee of 89TL, equivalent to 2.50EUR, and increases annually subject to inflation). For children under the age of six, who are notified after the stipulated deadline, the statement of notifier serves as the basis for determining their date of birth. In cases where the children have reached the age of six, their age is determined by an official health institution. If an official birth certificate is presented, there is no need for a separate age determination procedure.	Article 16 of the Population Services Law: https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5490.pdf (TR)
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	No.	
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	According to the 'Strategy Document on Roma Citizens: 2016-2021', one of the government's identified actions was to ensure that 'all Roma citizens have identity documents'. However, no progress report on the implementation of this strategy document has been published. Furthermore, the strategy document was renewed for the period 2023-2025, and yet no similar need was identified in the renewed document.	For the 2016-2021 Strategy Document on Roma Citizens: https://www.resmigazete.gov.tr/eskiler/2016/04/20160430-11-1.pdf (TR) For the 2023-2025 Strategy Document on Roma Citizens: https://www.aile.gov.tr/media/127013/yeni-roman-strateji-belgesi-20221222_v19.pdf (TR)
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	In 1992, Türkiye adopted the Law on the Admission and Resettlement of Meskhetian Turks (No. 3835) to facilitate the granting of Turkish citizenship to Meskhetians. According to recent media reports, former Foreign Minister Mevlüt Çavuşoğlu stated that Türkiye has granted Turkish citizenship to a total of 70,000 Meskhetian Turks as of April 2023 and will continue to do so to all Meskhetians living in Türkiye. Finally, the additional Article 1 of the Turkish Citizenship Law on "latent population" stipulates that persons who, for whatever reason, have not been registered in the family registers by the time they reach the age of 18 and who do not have citizenship ties with	For the Law No 3835: https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=3835&MevzuatTur=1&MevzuatTertip=5 (TR) For the media report: https://www.aa.com.tr/tr/gundem/disisleri-bakani-cavusoglu-su-anda-turkiyede-olan-ahiska-turklerinin-hepsine-vatandaslik-verecegiz/2873908 (TR) Additional Article of the Turkish Citizenship Law on "latent population": https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5901.pdf (TR)

				a foreign State shall acquire Turkish citizenship if they submit a medical certificate proving that they are related to their parents or, if they are deceased, to their siblings, if any. One of the parents or siblings must be a Turkish citizen for the mentioned “latent population” to be eligible for Turkish citizenship. Without a Turkish citizen among them, it becomes impossible to establish the necessary bloodline connection required to grant Turkish citizenship to this group. This also originates from the Turkish Citizenship Law, which adheres to the jus sanguinis principle.	
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p>1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>	<p>Under the Turkish Citizenship Law, Turkish citizenship may be revoked by a Presidential decree for individuals identified by official authorities as having engaged in the following actions:</p> <ul style="list-style-type: none"> • Individuals who have provided services that are contrary to Türkiye's interests for a foreign state, even after being instructed to cease such activities by overseas diplomatic missions or by the provincial public administration directors within Türkiye. This revocation applies to those who do not voluntarily terminate their involvement within a reasonable timeframe, not less than three months. • Individuals who willingly continue to provide any form of services to a nation engaged in a state of war with Türkiye, without prior permission from the President. • Individuals who voluntarily serve in the military of a foreign state without obtaining the required authorisation. <p>In addition, citizens who are being investigated or prosecuted for offences related to the security of the state and the constitutional order, as specified in the relevant sections of the Turkish Penal Code No. 5237, and who cannot be contacted due to their residence abroad, must be reported to the Ministry of Interior within one month from the moment the public prosecutor learns of this circumstance during the investigation phase or the court learns of it during the prosecution phase. This report is made with the aim of possibly depriving them of their citizenship. If they do not return to Türkiye within three months, even after the Ministry's announcement in the Official Gazette, the President may consider revoking their Turkish citizenship.</p> <p>The Turkish Citizenship Law does not contain a safeguard to prevent potential statelessness resulting from the revocation of Turkish citizenship under the above conditions. As a result, this could lead to statelessness for the group concerned, particularly if applied to Turkish persons who hold only Turkish citizenship and have no alternative means of acquiring another citizenship.</p>	<p>Article 29 of the Turkish Citizenship Law on the revocation of Turkish citizenship: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p> <p>Articles 302, 309, 310, 311, 312, 313, 314, and 315 of the Turkish Criminal Code No. 5237 that took effect upon its publication in the Official Gazette (No. 25611, dated 12.10.2004): http://www.lawsTürkiye.com/law/criminal-code-law-of-Türkiye-5237 (EN)</p>
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of</p>	<p>According to the Turkish Citizenship Law, Turkish citizenship can be revoked by a presidential decree, which becomes effective upon publication in the Official Gazette.</p>	<p>Article 30 (1) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)</p>

			proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.		
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		n/a	
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>1961 Convention: Article 7 ECN: Articles 7 and 8</p>	<p>The Turkish Citizenship Law encompasses two distinct forms of voluntary loss of citizenship: (1) renunciation of citizenship by the decision of the competent authority, and (2) renunciation of citizenship through the right of choice.</p> <p>For individuals falling under the first category, the Ministry of Interior grants them a permit if they meet the following criteria:</p> <ul style="list-style-type: none"> • They must have reached the age of consent and possess the capacity to make informed decisions. • They should either have acquired the citizenship of a foreign state or provide compelling evidence indicating their intention to acquire foreign citizenship. • They must not be wanted as suspects in criminal investigations or evading military service. • They should not have any financial or legal restrictions. <p>The requirement of acquiring citizenship in another country in these conditions acts as a safeguard against potential statelessness.</p> <p>In the case of individuals falling under the second category, those eligible to renounce their Turkish citizenship within three years of reaching adulthood include individuals in the following circumstances:</p> <ul style="list-style-type: none"> • Individuals who were granted Turkish citizenship at birth due to a familial connection with either parent but later acquire the citizenship of a foreign mother or father. • Individuals who hold Turkish citizenship through descent from both their mother and father but acquire the citizenship of a foreign state due to their place of birth. • Individuals who were granted Turkish citizenship through adoption. • Individuals who initially acquired Turkish citizenship by birthplace but later acquire the citizenship of their foreign mother or father. • Individuals who obtained Turkish citizenship as dependents of a mother or father who themselves acquired Turkish citizenship through various means. <p>However, if renouncing citizenship under the aforementioned conditions would lead to statelessness, individuals will not have the option to exercise this choice. Thus, a safeguard against statelessness is in place.</p>	Articles 25 and 34 of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)

PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	As previously stated, Turkish citizens who are the subject of investigation or prosecution in relation to offences against the security of the state and the constitutional order, as set out in the relevant sections of the Turkish Penal Code No. 5237, and who reside abroad and cannot be reached, must be officially reported to the Ministry of Interior. This report must be made within one month from the moment the prosecutor becomes aware of the situation during the investigation phase, or the court becomes aware of the situation during the prosecution phase. The main purpose of this notification is to potentially initiate the process of revoking their citizenship. If these individuals do not return to Türkiye within three months, even after the Ministry's announcement in the Official Gazette, the President may consider revoking their Turkish citizenship.	Article 29 (2) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p>ICCPR: Article 26</p> <p>1961 Convention: Article 9</p> <p>ECN: Article 5</p> <p>Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	No, Turkish legislation concerning the deprivation of nationality does not contain any explicit provisions that directly or indirectly discriminate against individuals or groups based on any grounds prohibited under international law.	
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p>1961 Convention: Article 6</p> <p>CRC: Articles 2(2), 7 and 8</p> <p>CEDAW: Article 9(1)</p> <p>Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	According to the Turkish Citizenship Law, the loss of Turkish citizenship by one spouse through renunciation permission does not impact the citizenship of the other spouse. If the mother or father who has lost Turkish citizenship requests it, and the other spouse consents, their children will also lose their citizenship. However, if the spouse disagrees, a judge's decision will be necessary. Children of parents who simultaneously obtain renunciation permits to lose Turkish citizenship will also lose their Turkish citizenship. Moreover, if the loss of citizenship would result in the children becoming stateless, renunciation permission will not be granted, and such a loss of citizenship will not be allowed.	Articles 27 (2) and (3) of the Turkish Citizenship Law: http://www.lawsTürkiye.com/law/turkish-citizenship-law-5901 (EN)

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		In Türkiye, only judgments delivered by higher courts, such as the Constitutional Court, are made accessible to the public. In contrast, judgments from lower courts, like the administrative courts of first instance, are not publicly available. As of the present, no higher court has issued any judgments regarding statelessness.	
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	Refugee Rights Turkey provides free legal counselling and representation to stateless individuals seeking asylum in Türkiye.	Official webpage of Refugee Rights Turkey: https://www.mhd.org.tr/en/ (ENG)
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Statelessness is a subject that has been largely overlooked in Türkiye, with minimal resources available in academic literature on the topic.	<p>Nimet Özbek Hadimoğlu, Barış Teksoy. <i>Vatansızlığın Azaltılmasına Dair BM Sözleşmesi (1961) Karşısında Türk Vatandaşlığı Kanunu</i> [The Turkish Citizenship Law Towards the UN 1961 Convention on the Reduction of Statelessness]. Türkiye Barolar Birliği Dergisi 2013 (107): http://tbbdergisi.barobirlik.org.tr/m2013-107-1294 (TR)</p> <p>Güngör, Gülin. <i>Vatansızlığın Azaltılmasına Dair Birleşmiş Milletler Sözleşmesinin bazı hükümlerinin 5901 sayılı Türk Vatandaşlığı Kanunu üzerindeki etkisi</i> [The impact of some provisions of the United Nations Convention on the Reduction of Statelessness on the Turkish Citizenship Law No. 5901]. Ankara Üniversitesi Hukuk Fakültesi Dergisi 63.3 (2014): 479-508: https://dergipark.org.tr/tr/download/article-file/622673 (TR)</p> <p>Yeşim Mutlu. “<i>Hâlâ Birisiyim Ama Daha Azım</i>”: <i>Çocuğun Yüksek Yararı İlkesi, Türkiye’de Yaşayan Mülteci Çocuklar ve Vatansızlık Riski</i> [“I am Still Someone, but Less”: The Principle of the Best Interest of the Child, Refugee Children Living in Türkiye and the Risk of Statelessness] inside <i>Mültecilik ve Vatandaşlık: Göç Çağında Aidiyet, Haklar ve Gelecek Sorunu</i> [Refugees and Citizenship: Belonging, Rights and the Question of the Future in the Age of Migration] (eds. Sıtkı Karadeniz, Nazmi Çiçek). Mardin Artuklu Üniversitesi Yayınları. Mardin, 2021: https://www.artuklu.edu.tr/dosyalar/goc_uygulama_arastirma/YA_YIN/Mu%CC%88ltecilik%20ve%20Vatandas%CC%A7%1%4%B1k%20.pdf (TR)</p> <p>Yeşim Mutlu. <i>Disowning citizens: arbitrary revocation of citizenship and statelessness in the paternalist Turkish state</i>. Thesis (Ph.D.) -- Graduate School of Social Sciences. Sociology., Middle East Technical University, 2019: https://open.metu.edu.tr/handle/11511/45270 (TR)</p>