

Decision No: 106

Pursuant to Article 46 of Turkish Citizenship Law No. 5901, enforcement of the attached "Amendment Regulation Regarding the Application of Turkish Citizenship Law" has been decided.

18th September 2018

Recep Tayyip ERDOĞAN

President of Republic

AMENDMENT REGULATION REGARDING THE APPLICATION OF TURKISH CITIZENSHIP LAW

ARTICLE 1- In Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law that came into force by Decree of the Council of Ministers dated 11/02/2010, and numbered 2010/139, the clause "proposal of the Ministry and Council of the Ministry" in the second paragraph is amended as "President of the Republic", the clauses of "2.000.000 American Dollars" and "by Ministry of the Economy" in subparagraph (a) of the same paragraph as respectively "500.000 American Dollars or its foreign currency equivalent or equivalent Turkish Lira", and "Ministry of Industry and Technology", the clause "1.000.000 American Dollars" in subparagraph (b) as "250.000 American Dollars or its foreign currency equivalent or equivalent Turkish Lira", the clauses of "100" and "Ministry of Labor and Social Security" in subparagraph (c) as respectively "50" and "Ministry of Family, Labor and Social Services", the clause of "3.000.000 American Dollars" in subparagraph (ç) as "500.000 American Dollars or its foreign currency equivalent or equivalent Turkish Lira", the clauses of "3.000.000 American Dollars" and "Undersecretariat of the Treasury" in subparagraph (d) as respectively "500.000 American Dollars or its foreign currency equivalent or equivalent Turkish Lira" and "Ministry of Treasury and Finance", and subparagraph (e) is amended as "of whose purchase of real estate investment fund shares or venture capital fund shares in the amount of at least 500.000 American Dollars or its foreign currency equivalent or equivalent Turkish Lira on condition of retaining them for at least 3 years, as determined by the Capital Markets Board."

ARTICLE 2- The clause "and/or cross Exchange rate" is added following the clause "current Exchange rate" in the sixth paragraph of Article 20 of the same Regulation.

ARTICLE 3-The following paragraphs are added to Article 20 of the same Regulation.

"(7) With the purpose of following the process regarding applications for acquiring citizenship as made per the second paragraph, a commission may be established under the Ministry of Internal Affairs to be composed of representatives from the Ministry of Family, Labor and Social Services, the Ministry of Environment and Urban Planning, the Ministry of the Treasury and Finance, and the Ministry of Industry and Technology"

(8) Transitivity between investment types is possible in order to complete the time terms stipulated by the second paragraph.

ARTICLE 4-This Regulation shall come into force upon its date of publication.

ARTICLE 5-The provisions of this Regulation shall be executed by the President of the Republic.

TURKISH REPUBLIC
MINISTRY OF ENVIRONMENT AND URBAN PLANNING
General Directorate of Land Registry and Cadastre Presidency of Foreign Affairs
Department

Number:36189470-10.07.01.E.1172999

25.05.2017

Subject: In regards to the Regulation Regarding the Application of Turkish Citizenship Law

Ref: a) Regulation No. 2010/139 Regarding the Application of Turkish Citizenship Law published in the Official Gazette dated 06.04.2010 and numbered 27544

b) Regulation No. 2016/9601 regarding the Amendment Regulation Regarding the Application of Turkish Citizenship Law, published in the Official Gazette dated 12.01.2017 and numbered 29946.

As it is known, by the amendment made by reference (b) Regulation to Article 20 of reference (a) Regulation, as per subparagraph b of the 2nd paragraph of the mentioned article, foreign real persons “whose purchase of immovable property in the amount of at least 1.000.000 American Dollars on condition of not selling said property for three years as determined by the Ministry of Environment and Urban Planning” are exceptionally enabled to acquire Turkish citizenship.

In this regard:

1. In order to benefit from the aforesaid regulation, for the determination of the amount stated in the mentioned article, regarding applications acquiring property through sale, a valuation report, made in accordance with valuation standards and illustrating its market value, as issued by an appraiser holding a valid licence and recognized by SPK, is required.
2. Using the amount in the property valuation report illustrating its market value, the value of the property/properties in American Dollars is calculated at the effective sales rate of the Central Bank of the Turkish Republic on the date of the transaction.
3. If, between 12.01.2017, the date when the amendment was made to the Regulation, and the enforcement date of this directive, the same person acquires more than one property of which the total value corresponds to the price stated in the related article or a price over that, the value of each property as calculated according to the effective sales rate of the price stated in the formal deed on the date of sale shall be taken into consideration.
4. The formal deed to be issued shall state “*As per Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law, in order to acquire Turkish citizenship, the foreign real person purchasing this property/properties has contracted not to sell it for a period of 3 years.*” and “*As per Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law, the Land*”
- 5.

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Subject: Upon Regulation Regarding the Application of Turkish Citizenship Law

Registry has been informed that no sale will be made within three years following the date of acquisition” and “As per Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law there is contract that it shall not be sold within three years following the date of its acquisition” in the statement section of the property deed.

6. In cases where the holders of property purchased between 12.01.2017, the date when the amendment to the Regulation was made, and the enforcement date of this directive,

do not have the above mentioned contract on the official deed and that do not bear a statement as regards its not being sold for a period of 3 years in the statement section thereof, should the property owner declare their wish to benefit from the mentioned regulation by making the contract with the concerned registry request document, the statement section of the property shall include *“As per Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law, there is a contract that it shall not be sold within three years following the date of its acquisition”*.

7. Provided their dates and reference numbers are the same, if the same person makes a request regarding the mentioned article for more than one property of which the total value corresponds to the price stated or a price over that, the statement section of each property must have the clause *“As per Article 20 of the Regulation Regarding the Application of Turkish Citizenship Law, there is a contract that it shall not be sold within three years following the date of its acquisition”*. However, for properties acquired between 12.01.2017, the date when the amendment Regulation in reference (b) was made, and the enforcement date of this directive, the condition of being purchased with the same reference number shall not apply.
8. For cancellation applications to be lodged following the expiration of the period of three years mentioned in the statement included in the statement section pursuant to the provision of mentioned Regulation, the cancellation of the mentioned statement shall:

In cases where the cancellation is requested by the owner within 3 years following the inclusion of the statement, MERNIS records will be checked to ascertain whether the person has acquired Turkish citizenship or not:

- a- In cases where the owner is registered in the system as a Turkish citizen, the request shall be rejected and the statement shall be preserved until the expiration of the period of three years,
- b- In cases with no such registration, the General Directorate of Civil Registrations and Citizenship Affairs will be asked whether the condition has
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been cancelled or not, and the proceedings shall be directed according to their response.

8. Limited property rights are possible with the establishment of conditions such as seizure, injunction, etc. upon the properties being acquired in this manner and in cases where property is transferred for various reasons within the period of three years without the will of the owner, the General Directorate of Civil Registration and Citizenship Affairs shall be immediately notified.

9. Valuation reports submitted with respect to requests as per this Directive must be written in the same year as the application is being processed, and with respect to applications made at the end of the year or applications whose proceedings have not been completed

within that year, the Ministry of Finance shall apply the announced revaluation rates to the submitted reports.

10. If the amount in the property valuation report taken into account for sales regarding this Directive is lower than the value basis for the property tax specified by municipalities for the year of acquisition according to the provisions of Property Tax Law No. 1319, the title deed fees shall be collected at this value.

11. Following the completion of the transaction, a copy of the title deed including the statement shall be furnished to the concerned.

Respectfully submitted for your information and to request proceeding as per this notification.

e-signed
Gökhan KANAL
Deputy General Manager

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