

Exceptional Turkish Citizenship by the Decision of Competent National Authority: The Implementation of Twin Articles

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Review Article

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ABSTRACT

Turkish citizenship through investment has been introduced as the easiest and safest way of the naturalization of Turkish citizenship. Turkey is regarded as one of a few states, giving an automatic citizenship opportunity to foreign individuals on the grounds of economic contribution. This work particularly concentrates on the question of how an alien investor can own Turkish citizenship through a decision of competent national authority. Furthermore, fundamental drawbacks and their potential handicaps of the concept of investment-based citizenship together with practical legal solutions in Turkey will also be analyzed. Overall, the present study makes critical observations on Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901) and Article 12 of the Law on Turkish Citizenship (No:5901), as twin articles of the discipline of Turkish citizenship. The importance of the present study is to address legal handicaps of the Turkish legal framework on the notion of investor citizenship. To date Turkish literature has remained so limited. Thus, I preferred to produce this paper in English as a fundamental step in developing an innovative and different approach.

INTRODUCTION

The present study essentially is intended to analyze the question of how any foreigner can obtain Turkish citizenship through investment. In order to accomplish the said aim, this paper initially provides an insight into the meaning of citizenship and its interaction with economic law. In that sense, Chapter II is essentially involved in evaluating clear linkage between the rights to citizenship, the rule of law and economic law. This work asserts that naturalization by investment increases this linkage.

Recently, there has been a renewed interest in investor citizenship all over the world including Turkey. Chapter III specifically focuses on Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901) and Article 12 of the Law on Turkish Citizenship (No:5901). There are three important points for both of Articles. First, two provisions open a gate for a broad margin of discretion to the President in granting citizenship to the foreigner concerned. Second, both of these articles regulate granting Turkish citizenship through investment, more specifically “investor citizenship”. Third, both of these regulations appear with the naturalization provisions on “exceptional reasons” in Turkish citizenship law regime. Both of these articles have facilitated naturalization mechanisms based on investment. The logic of both provisions, as observed below, differs in many aspects from the logic of the other types including the traditional naturalization.

Chapter III addresses how any alien will be able to acquire Turkish citizenship owing to investments based on Article 12 and Article 20. The scope of administrative discretion will be analyzed here. Since this work will focus on the acquisition of citizenship based on a decision of competent national authority, other types of later acquisition will be beyond the Scope of this paper. Re-acquisition or loss of Turkish citizenship is also outside of the present study. As for terminology, regardless of the fact that there is no universally agreed meaning of “citizenship”, citizenship means ‘the state of being a member of a particular country and having rights because of it’. Exceptional citizenship is considered to mean exceptional states in the acquisition of Turkish citizenship. When it comes to the word “foreigner”, it is accepted that “foreigner” may imply foreign natural persons, foreign legal persons and Turkish companies with foreign capital. “Competent national authority” will be regarded as containing the term of President of the Republic of Turkey within the context of Article 12 and Article 20. Indeed, both of these provisions are instituted to grant Turkish citizenship by the decision of the President of the Republic. What is more, in the light of the aforementioned similarities and for the purpose of this paper, Article 12 and Article 20 will be regarded as “twin articles”.

With regard to the methodology, it is important to state that the present work is not a pure comparative study. The basic reason is that there are a lot of comparative law works meeting legal needs in this area. Having said that, it does not necessarily mean that this paper will never use any type of comparison ^[1].

Recently, considerable literature has grown up around the theme of “citizenship”. Accordingly, as for resources, academic literature has been utilized. As emphasized before, this paper will basically focus on one legislative and one administrative source: Article 12 of the Law on Turkish Citizenship (No:5901) and Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901). Legislative amendments on both of these provisions will be regarded as a “turning point” in this work. They regulate recent programs granting citizenship on the grounds of investment.

LITERATURE REVIEW

Citizenship: A hard core issue

A Universal Right: The Right to Citizenship

The doctrine of citizenship is composed of, in the opinion of Andriopoulou, ‘common belongings’ (values, security, care and identity) the doctrine of citizenship nourishes from common juridical, political, cultural, national and economic interests. Therefore, citizenship is regarded as a “legal bond” between sovereign states and their citizens. The European Convention on Citizenship confirms the same principle in Article 2.7 What is really interesting is that currently the concept of citizenship is recognized to mean more than this.

In accordance with the Universal Declaration of Human Rights, everyone enjoys the right to a nationality. Accordingly, the concept of citizenship requires full recognition of their rights. According to a newly emerging perspective, the notion of citizenship contains “a rights frame”.

Margin of discretion on the matter of citizenship

Under the principle of sovereignty of states, states are recognized to enjoy a comprehensive ability to exercise judicial, administrative and legislative authority within their own territories. The rule in question represents the freedom of action of a state objecting to different types of controls by another actor inside its border. Indeed, any country cannot stand to see any institution or actor, whatever it is called, which may dominate their actions and be superior to them within its border.

Accordingly, a State exercises territorial jurisdiction over its habitants and personal jurisdiction over its nationals abroad. Under the umbrella of its jurisdiction, a State has a full-fledged power to impose commitments on its citizens and to give rights to them. Moreover; states have a clear authority on the legal and political rules regarding purchase and/or sale of citizenship. As a response to the width of sovereignty, it is simple to reaffirm the exclusive authority of States, to be more specific, the level of margin of appreciation on the discipline of citizenship. Consequently, every government has a margin of discretion in determining the question of whether an individual should be naturalized or not [2].

In that sense, the level of margin of discretion reaches its peak in the matter of investment-based citizenship. The European Convention on Nationality recognizes the level of this discretion by noting that ‘each State shall determine under its own law who are its nationals’. Despite this, the government authority of discretion cannot be seen as unlimited. Full focus on financial issues for gaining citizenship may be seen as a "commercialization of sovereignty".

In the light of the aforementioned observations, ‘the choice and method of defining the status of the citizen belongs to the sphere of “internal affairs”’. States have an exclusive jurisdiction to regulate the concept and types of citizenship. Having said that, the matter of citizenship may turn into a complex dispute beyond national borders by presenting a challenge between nations rather than individuals.

Citizenship carries not only rights but also responsibilities

The state from one side and the individual on the other have bilateral rights and commitments. A citizen is considered to enjoy various rights from one side and also responsibilities on the other, as a member of a nation or community. The modern meaning of citizenship implies rights and obligations that ‘make him/her a proper member of a particular community’. More specifically, individuals enjoy various rights together with obligations owing to citizenship. Rights and duties inherent in the context of citizenship (such as the right to vote and to be selected, and taxation) go together.

The Linkage between citizenship law and economic law

There is an increasing linkage between the rule of law and economy. Indeed, the strong connection between human rights, democracy, rule of law and the right to development is strongly recognized by the work of well-known international organizations such as the United Nations (UN).

Absolute correlation between the investment law or economic law and the word of citizenship is justifiable. In recent years, economic downturn and turmoil has been a matter of concern facing the international community. Because of the financial crisis, a growing number of states introduce accelerated procedures for temporary or permanent residences in exchange for a substantial economic benefit to the relevant country. Therefore, granting citizenship to foreigners has been used as a tool to attract foreign investments. Alien candidates wish to get a

residence permit, visa free travel or take advantage of educational opportunities. As for states, they are interested in increasing financial resources and improving new employment opportunities. Especially below-mentioned naturalization types on the grounds of investment, articulated in twin articles, are used by host states. Investment instruments are becoming a key tool to administer the discipline of citizenship.

Keeping in mind such economic developments, the Turkish government took steps for the facilitation of the acquisition of Turkish citizenship. Turkish Citizenship by Investment Program has been more effectively implemented through amendments in 2018 and 2022.

The acquisition of Turkish citizenship by competent national authority

Article 12: According to internationally established principles, citizenship may be acquired at birth or through naturalization subsequent to birth. Therefore, the acquisition of citizenship is regarded as 'any mode of becoming a national, i.e. by birth or at any time after birth, automatic or non-automatic, based on attribution, declaration, option or application'. Similarly, Article 5 of the Law on Turkish Citizenship (No:5901) has a similar provision, approving the same principle. Accordingly, the acquisition of Turkish citizenship is regulated in two ways: at birth or by later acquisition (naturalization). The main principle is that any child of a Turkish mother or father automatically gains Turkish citizenship. In accordance with Article 66 of Turkish Constitution, 'everyone bound to the Turkish State through the bond of citizenship is a Turk. The child of a Turkish father or a Turkish mother is a Turk. Citizenship can be acquired under the conditions stipulated by law, and shall be forfeited only in cases determined by law'.

In essence, the vast majority of people obtain citizenship on the basis of inheritance at birth on kinship ties or territorial location at the time of birth. It is easy to recognize that legal bonds between a state and its citizens can be easily established through birth. The main reason is that birth proves juridical, political, cultural and economic ties between nation and individual. The acquisition of citizenship based on a natural link (the link of blood) is very powerful as a proof of legal and social bond. Since other types of citizenship except for later acquisition does not fall within the context of this work, no further discussion will be made here regarding this topic ^[3-5].

The acquisition of Turkish citizenship after birth is another possibility. For later acquisition doctrine, a proof of "genuine link" between state and citizen may be required. This principle is recognized in the established-case law of the International Court of Justice. Indeed, at the international level, 'the grant of nationality is entitled to recognition by other States only if it represents a genuine connection between the individual and the State granting its nationality'.

Turkish citizenship shall be acquired after birth either by a decision of the competent authority or by adoption or by using the right to choice. Other two types do not fall within the scope of the present work; this article will evaluate granting Turkish Citizenship by decision of the competent authority, as provided by "twin articles". In this respect, an alien who wishes to obtain Turkish citizenship can acquire Turkish citizenship by a decision of the competent authority provided he/she fulfills the conditions laid down in the Law on Turkish Citizenship (No:5901) and its Regulation.

There are two types of the acquisition of Turkish citizenship through the decision of competent national authority, more clearly, through the decision of the Turkish President. First type is possible according to Article 12 of the Law on Turkish Citizenship (No:5901). Second type is regulated by Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901). More importantly, two changes to both of these provisions had a critical impact on the role of the Presidency. Consequently, the primary feature of "twin articles" is that they fall within the scope of discretion of the President.

Secondly, as expressed above, both of these provisions (Article 12 mostly and Article 20 completely) are intended to gain citizenship by investment. Therefore, both of these regulations have a passionate economic perspective. “Turkish citizenship by investment” is available to all individuals who make necessary investments in the Turkish economy. It is unfortunate to state here that the need to establish a “genuine bond” of belonging is almost ignored by both those articles, as the present study asserts. Third side of these articles is that they are the main two provisions regulating types of extraordinary naturalization. (Both Articles completely).

As a response to the national amendments dedicated to the facilitation of naturalization to foreign nationals on the grounds of their exceptional contribution to the national economy, Turkey focused on two main provisions. Article 12 provides three exceptional states in the acquisition of Turkish Citizenship. The common precondition is that the concerned foreigners should not have any quality constituting an obstacle in respect of national security and public order. Otherwise, their application might be rejected by the decision of the President. Other preconditions for general acquisition of citizenship laid down in Article 11 are not required. It is right to observe here that Turkey gives up general preconditions for an application for Turkish citizenship in favor of potential benefits of foreigners enumerated. Hence it is justifiable to state that Article 12 becomes a good example of “cash-for-passport initiative”, as clearly seen below [6].

Article 31 (1-j) of the Law on Foreigners and International Protection (Law No:6458) regulates short-term residence to people who do not work in Turkey but will make an investment within the scope and amount that shall be determined by the Council of Ministers. Foreign investors together with their spouses and children may take advantage of extraordinary acquisition of Turkish citizenship through Article 12 after enjoying short-term residence through Article 31. So, people providing short-term residence is also eligible for Turkish citizenship under Article 12. It is striking that there is no “objective criteria”, a “genuine condition” or “qualification” that will be used for granting Turkish citizenship within the scope of these provisions. Compared to other countries, this method is considered as being far from the concept of exceptional citizenship. Indeed, it is strictly criticized that especially Article 12 does not formulate any general condition for naturalization except for not having any quality constituting an obstacle in respect of national security and public order. What is also really concerning is that it gives a wide margin of appreciation to administrative authorities. There is no doubt that granting or non-granting citizenship is an “act” or “action” of the State involved. Thus, any administrative act or action is of course subjected to judicial review. But the lack of any measure to test the intention and generosity of the relevant foreigner has been an important aspect of criticism.

In the matter of Turquoise Card, it is significant to realize that the Card project was launched as a response to an increasing demand for work permits by foreign workers in Turkey. The purpose of the Card is seen as very similar to the Green Card in the USA and/or the Blue Card in the European Union (EU). The Card was first introduced in 2016. In accordance with the Law on International Workforce (No:6735), the Card is granted to highly qualified individuals including scientists, athletes, artists, investors, and those wanting to own property in Turkey.

According to the Regulation on Turquoise Card, the Card may be granted to foreigners who are;

1. assessed as qualified workforce due to their educational level, wage, professional experience, contribution to science and technology and such like qualifications,
2. assessed as qualified investor due to their contribution to science and technology, their level of investment or export value, volume of employment they provide and such like qualifications,

3. scientists and researcher who have internationally recognized studies in the academic area, and those distinguished in science, industry and technology, areas of which deemed strategic from the point of our country,
4. internationally reputed for their successes in cultural, artistic or sports activities,
5. Contributing the recognition or publicity of Turkey or its culture internationally, acting in favor of matters concerning Turkey's national interests.

There are a number of advantages of the Turquoise Card. First of all, the Turquoise Card in Turkey is deemed as a work permit for the holders and a residence permit for their spouses and dependent children. In this way, the Card owners are granted the right to work and the right to permanent residence. Besides, Turquoise Card is initially issued for a transitional period of three years. The Turquoise Card owner's activities and commitments are followed by a specialist. Once all conditions are met, the Card becomes permanent. Under Article 12 of the Law on Turkish Citizenship (No:5901), the Card owners have a priority in acquiring Turkish citizenship permanently.

Last but not least, despite the fact that a citizen is considered to own various rights from one side and also responsibilities on the other, as a member of a nation or community, that is not the case for the acquisition of Turkish citizenship for Turquoise Card holders. For instance, they are exempt from compulsory military service pursuant to the Regulation in question. Besides, processes related to residence, traveling, investment, commercial activities, inheritance, acquisition of movable and immovable properties are carried out according to relevant legislations, applied to Turkish citizens. But, they also have no right to vote and to stand for an election and to serve as a civil servant [7-10].

Persons whose naturalization has been considered necessary

The fact that persons whose naturalization has been considered necessary may be found eligible for Turkish citizenship has been another matter of concern. The main reason is that the said provision lacks any kind of condition. Accordingly it provides national authorities with limitless administrative discretion. Such legislative methodology may have a crippling impact on the purpose of exceptional citizenship.

Persons who have been recognized as immigrants

There are a number of handicaps in the formulation of this provision. Indeed, the question of who are immigrants is not clear. What is worse, the question of how an immigrant can own Turkish citizenship has been another matter of concern. Of course it can be argued that the common criteria for Article 12 ("national security" and "public order"), is applicable here. However the meaning of these words is so ambiguous. This articulation technique, thus, is not compatible with the spirit of the extraordinary citizenship concept. It is also very difficult to see the linkage between investment-based citizenship types (in the section a, b and even c) and naturalization of immigrants (in the section d).

Article 20

In the case of Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901), there are six different types of acquiring Turkish citizenship by the decision of the Present. The idea behind this Article is to attract foreign investors to the country. It should be understood that the economic contribution precedes the qualifications of the naturalized person in the "citizenship by investment". Citizenship by investment programs are categorized and carried out as programs that require residency necessities over the world. Investment programs without residency requirements are described as "golden passport", investment programs with residency requirements are regarded as "golden visa". The United States (USA) and The United Kingdom (UK)

are leading examples for strictly golden visa rules. While certain states offer residency programs by investment; some states deliver citizenship programs by investment.

Making a capital investment

Under the Turkish legal framework, foreign capital investors may be granted exceptional citizenship. First type of this is making a minimum of fixed capital investment of USD 500.000 or equivalent foreign currency or Turkish lira, as attested by the Ministry of Industry and Technology. It should be emphasized here that investment in the banks engaging in Turkey is one of the most preferred options for investors.

Buying a property

It should be stated at the outset that property purchase is the easiest, fastest and safest way of the acquisition of Turkish citizenship and short-term residence permit. The term of “exceptional Turkish citizenship” is widened through new legal amendments. Pursuant to Article of the Law on Turkish Citizenship (No:5901), new regulation was issued and later amended by the President. Under Article 20 of the said regulation, by purchasing a property of valued minimum previously 250.000 USD, now 400.000 USD in any part of Turkey a foreign person will be able to acquire Turkish Citizenship. The main condition is to hold the ownership of the involved property for at least 3 years. Moreover, the involved purchase should be examined and confirmed by the Ministry of Environment, Urbanization and Climate Change.

It is important to note here that a residence permit is not a precondition for buying a real estate in Turkey. Nevertheless, a property purchase may provide an advantage even for a short-term residence permit. Indeed, any alien who owns immovable property in Turkey is also eligible for a renewable short-term residence permit under Law on Foreigners and International Protection (Law No:6458).

Compared to Turkey, the USA, Switzerland, Australia and Canada grant only a residence permit to foreigners after a property purchase. After meeting the specific criterias for residence permit and the other general criterias for citizenship, the acquisition of citizenship will be possible. When it comes to EU countries, they ask for a much larger amount of money for citizenship by property purchase: from 800.000 to 2.000.000 euros.

As for Turkey, there are four steps for the fastest, safest, easiest and secure way of the acquisition of Turkish citizenship: reaching an agreement on a property worth at least \$400.000 or equivalent foreign currency or Turkish lira, the determination and confirmation of the real estate’s value, the examination and approval of the relevant national authorities, the presentation of a proof for a title deed restriction on the resale of property for at least three years. Since numerous people may be allowed to obtain Turkish citizenship, such an easy process may infringe the sense of justice of Turkish people. Despite recent amendment in question, compared too many countries stressed above.

Providing employment opportunities

Aliens creating jobs for at least 50 people, as attested by the Ministry of Family, Labor and Social Services may be granted Turkish citizenship. In that case, foreign investors will make an extraordinary contribution to the national economy alongside their investments.

In comparison with the Turkish system, under the Immigrant Investor US Citizenship, called “EB-5 Program”, investors may be found eligible for a Green Card providing permanent residence on the grounds of a minimum investment amount at least 900.000 USD and the creation or preservation of 10 permanent full-time jobs for qualified US workers. As easily seen, legal requirements even for US residence are higher than Article 20.

Depositing a certain amount of money

Provided that a foreigner deposits at least USD 500.000 or equivalent foreign currency or Turkish lira in banks operating in Turkey with the condition not to withdraw the same for at least three years, as attested by the Banking Regulation and Supervision Agency.

Buying a certain amount of money

Buying at least USD 500.000 or equivalent foreign currency or Turkish lira worth of real estate investment fund share or venture capital investment fund share with the condition that they are not sold for at least three years, as attested by the Ministry of Treasury of Finance.

Buying a real investment fund share

Buying at least USD 500.000 or equivalent foreign currency or Turkish lira worth of real estate investment fund share or venture capital investment fund share with the condition that they are not sold for at least three years, as attested by the Capital Markets Board of Turkey ^[11].

Depositing private pension funds

Owing to a legislative change on Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901), a new acquisition type of Turkish citizenship entered into force in 2022. When foreigners deposit at least USD 500.000 or equivalent foreign currency or Turkish lira in the private pension system with the condition of holding this fund for three years, as attested by Insurance and Private Pension Regulation and Supervision Agency, they may gain Turkish citizenship.

Criticisms and workable solutions

It is critical to state that investor programs have been broadly criticized on legal and practical grounds. It is considered as “selling citizenship for money” and as having a negative impact on violating the reputation of citizenship. Criteria used for ordinary citizenship such as language skills of the host country or residing in the host country for a certain period of time are not seen as necessary. The idea of integration of the person with the society seems to be overestimated and the economic contribution of coming investment is considered as the pure criteria. That method is regarded, in that sense, as “commodification of citizenship” or “supranational citizenship”.

Likewise, Article 12 (most part of it) and Article 20 provide fast-track naturalization for aliens on the grounds of investment. That is nothing but a pure implementation of “*ius pecuniae*”. The word “*ius pecuniae*” implies “residence by investment” and/or “citizenship by investment” to be more specific, “right of money”. It is really hard to present any objection against Andriopoulou’s idea that in certain cases, the financial situation of the candidate results in dismissing all the other parameters of administrative decision on citizenship. Rules on inclusion or exclusion to a country and consequently all rights arising from the concept of citizenship depend completely on financial concerns. The rationale of states behind the investor citizenship is to maximize financial benefit or minimize financial burden on their economies owing to or because of “the naturalized individuals”. Such understanding may have a crippling impact on the nature and essence of Turkish citizenship.

It is also right to argue that “the economic conditions” of a state does not deserve to be a pure criterion. The discipline of citizenship cannot be regarded as a “commercial commodity”. An opposite approach may undermine the focal point of citizenship. In that sense, the lack of a genuine link between state and citizen is another criticism for investor citizenship. Similar approach of twin articles may undermine the fairness balance between born citizens and investor citizens.

It must be stressed here that 'the notion of non-discrimination and equality represent the essential foundations of democratic societies'. The use of pure economic criterion as an integral part of direct evaluations on the granting of Turkish citizenship through naturalization is not compatible with the principle of equality. Rather than personal qualities and merit, the provision of financial resources to the state and the contribution of aliens to the national economic growth are preferred here. Hence this criterion opens the door for criticisms because of the possibility of discriminatory, unfair and unequal practices. It may have a crippling impact on the exercise of the right to the prohibition of discrimination. The advantages reserved for those rich immigrants are by far higher than poor individuals.

We also cannot ignore security concerns regarding investment-based citizenship. Such opportunities may be misused for terrorism, money laundry and taxation fraud. Unfortunately that is the case for Turkey, too. It is obvious that the right of discretion to decide who is eligible for Turkish citizenship belongs to completely public administration. Absolutely it must be assumed that the discretion of the Presidency is exercised based on common good, public health and public interest. Nevertheless, "twin articles", particularly in the absence of substantial requirements, leaves very wide room to national authorities for a positive or negative decision on "natural" integration of the candidate into the recipient country.

Last but not least, the types of Turkish citizenship through investment enumerated in Article 20 of the Regulation have not been regulated in the Law on Turkish Citizenship (No: 5901). Since a regulation has a lower degree than law, this is against internationally recognized rule of law principles.

Consequently the link between the candidate and the Turkish State cannot be established solely on the grounds of foreign investment. We need more. Regardless of the aforementioned gaps, the Turkish President, somehow, should assume responsibility by acting in compliance with the law and the principle of equality and the protection of public interest for every application. The President should feel bound by an ethical rule on justice and fairness while examining citizenship applications.

The increase in the minimum standards of naturalization may also present a workable and absolute solution for the right admission of any candidate to Turkish citizenship. Citizenship should not be granted on the basis of investment alone. The thresholds, thus, should be increased.

DISCUSSION

Firstly, deficiency of investor citizenship discipline should be supported by other complementary elements including the permanent residence process. More specifically, a territorial aspect as a precondition for obtaining citizenship must be developed. Such criteria might be very good at testing a certain degree of loyalty to Turkey. A genuine degree of integration into values, customs and traditions is also achievable through such traditional criteria.

In this context, we should bear in mind that citizenship by investment programs do generally involve residing in the relevant country prior to naturalization. A number of states including the USA, Austria, Canada, Hong Kong, Singapore, Switzerland, Panama and Monaco offer premier residence based on investment at the first stage.⁵⁴ Residency prerequisites for a specified time such as from three to ten years beforehand are capable of fulfilling the huge gap of the doctrine of investment citizenship.

Indeed physical presence for a minimum time limit in Turkey might be complementary criteria. Physical presence or long term residency for a specified time period are of great importance in strengthening the investor's real relationship with Turkish society and nation. Residence prerequisites may provide a "bond of mutual trust and communication". Such measures may ensure social cohesion and solidarity between born citizens and candidate citizens. As a consequence, the Turkish authorities should pose residency requirements for "twin articles".

Second, language requirements may be established. It is possible to establish genuine ties grounded in socialization ties including language and culture.

Thirdly, the minimum amount of investment should be used as leverage. Recently Turkey made an amendment by increasing the minimum real estate investment to qualify for citizenship, from the previous USD 250.000 to USD 400.000. But even that might be a good example for the increase in the qualifications of investor citizenship.

Further, economic contribution of the applicant to the country is needed to reevaluate in the light of other leading programs. It is considerable to emphasize that the EB-5 Program offers the easiest and the most secure way of getting a permanent US residence and also citizenship. Because green card holders may be granted US citizenship after they live in the US for at least five years. After five years of permanent residency, the card holder is given an opportunity to apply for US citizenship. Therefore, the acquisition of permanent residence through green card is seen as "a strategic step" for naturalization to US citizenship. There is no doubt that such an investment type grants a great chance to candidates for US citizenship. But it may happen in exchange for a large economic contribution to the state. A similar approach must be improved for twin articles.

Last but not least, the fast track admission of candidates may prevent the Turkish administration from genuinely examining the citizenship applications. A strict background check is needed through criminal recording search. This is necessary for tackling security threats.

CONCLUSION

It is considerable to emphasize that the acquisition of citizenship has been subjected to specific conditions during the history of the world. There has been a broad range of ways of regulating and practicing investor citizenship. Access criteria may change from country to country, or from region to region. That is because States are free to determine internal access criterias and all decision-making processes according to their own will. Every single government has a margin of appreciation in deciding whether an individual should be naturalized or not. It is significant to reiterate that the exclusive authority of states on the discipline of citizenship may determine the scope of this discretion.

This article essentially analyzes the question of how Turkish citizenship may be obtained through competent national authority, recognized as the President's decision. Moreover, whether the issue of the above-mentioned citizenship types and wide margin of appreciation power of the President are likely to cause a crisis of citizenship in Turkey or not is also examined within the context of is pecuniary doctrine. The underlying question of the paper is whether investor citizenship represents a merely economic dimension within the Turkish legal framework.

Provisions related to extraordinary naturalization are found in Article 12 of the Law on Turkish Citizenship (No:5901) and Article 20 of the Regulation on the Implementation of the Law on Turkish Citizenship (No:5901). "Twin articles" (Article 12 (mostly) and Article 20) represent an application of naturalization by investment. The acquisition of citizenship based on birth, adoption, and the right to choice does not fall within the scope of the present study.

Chapter II underlines that the discipline of citizenship represents two facets of the same element; rights and duties. Chapter II also shed lights on the close connection between financial matters and citizenship law.

As observed in Chapter IV, the introduction and the amendments to and implementation of twin articles spark new controversies. First of all, "twin articles" raise issues over very comprehensive discretionary power granted to the Presidency authority in determining the aptness of an individual for naturalization. It is of course possible to accept that the discretion of the Presidency is applied by taking into account common good, public interest and public health. Moreover, the legality of the decisions of citizenship will be reviewed by judicial authorities. Nevertheless,

we should accept that Article 12 and Article 20 offer a wide, even partly unlimited discretionary power in favor of investors to the President's Office.

It could be stated that the economic condition of the candidate is essential in the evaluation of the possible acquisition of citizenship. The lack of traditional criteria including residence requirements is the main challenging aspect of this type. Fundamental drawback of this method is to outweigh too much to economic interests so that social contract doctrine may turn into, as observed by Andriopoulou, "business contract". Accordingly, the economic citizenship programmes present several challenges with regard to in particular the loyalty of the candidate to the host country. Indeed, compared to other countries, recent changes in twin articles made it easier to obtain Turkish citizenship through investment. Article 20 of the Regulation concerned provides Turkish citizenship for people investing over certain monetary values, creating a certain number of jobs, buying a real estate with over a certain value of price, depositing a certain amount of money, buying a certain amount of money, buying a real investment fund share. Foreign researchers, artists, investors, athletes and intellectuals may be found eligible for Turquoise Card in Turkey. Especially, a property purchase, as discussed above, buying a property in Turkey is the first, albeit not the last step to finalize all administrative procedures for the acquisition of citizenship. Therefore, this method is mostly opted by newcomers in recent years.

In the light of the above-mentioned concerns, this article recommends that Turkey reconsiders the practice of investment citizenship programs. The concept of "marketable commodity" needs to be reconsidered. A roadmap for market citizenship should be developed owing to cost-benefit analysis. The Turkish practice of granting citizenship by investment needs to be repaired. In that sense, it is observed, in Chapter IV, those nation-based criteria rather than pure investment-based criteria may play a compatible role in fulfilling the gap. Indeed, traditional criteria such as permanent residence are capable of proving the historical, legal and social bond of belonging to the concerned state. Hence, residence and language prerequisites may become a key instrument in ensuring the genuine connection of the candidate with Turkey. In that sense, the naturalization process only by this way will be successful at harmoniously integrating outsiders into the Turkish national values. The said option is capable of reproducing a clear identity of "belonging".

Considering all of this evidence, this study emphasizes that Security background searches for newcomers and increasing the amount of minimum investments may also be effective. Regarding the last one, the new amendment to Article 20 pertaining to the increase in minimum property value may be taken as a good example.

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