

EXTENDED SUMMARY

This study provides a constitutional analysis of the legal status of adult children of foreign investors who acquire Turkish citizenship through investment. It focuses on individuals who applied as minors with their parents under Article 12 of the Turkish Citizenship Law (Law No. 5901) but reached the age of majority during application processing and were subsequently denied citizenship. Until 2023, these individuals were typically granted citizenship following their parents' acquisition. However, the General Directorate of Population and Citizenship Affairs abruptly changed this practice without statutory amendment, requiring children to remain minors until the final decision on their parents' application. This shift, coupled with inconsistent rulings from the regional administrative court, raises significant constitutional concerns regarding the principle of legality and the protection of fundamental rights and freedoms.

The research begins with an outline of the legal framework governing exceptional acquisition of Turkish citizenship by investment. Article 12 of the Citizenship Law permits the President of the Republic to confer citizenship on foreign nationals who make significant economic contributions, including investors, as well as on their minor or dependent children. However, neither the Citizenship Law nor the Law on Foreigners and International Protection (Law No. 6458) specifies at what point in the application process a child must be a minor to benefit from the parents' application. This legislative gap allowed differing interpretations. For years, administrative practice permitted minor children to acquire citizenship even if they turned eighteen before the final presidential decision, provided they were minors at the time of application.

Beginning around 2023, however, the General Directorate abruptly abandoned this practice. Applications from children who reached majority by the time of the presidential decision were rejected, even though they had been minors at application. Notably, this shift occurred without any amendment to the statutory provisions or implementing regulations. More concerningly, the Directorate updated its official online guidance only in mid-2025, long after it had begun applying the new approach. This created a legal environment characterized by unpredictability and arbitrariness, undermining the constitutional principle of legal certainty.

The judicial response to this change was initially favorable to applicants. Administrative courts and the regional court ruled that minority status should be assessed at the time of application, not at the time of decision, and that applicants should not suffer from bureaucratic delays. However, in late 2024, the responsible regional administrative court—the Ankara 10th Regional Administrative Court—reversed its established jurisprudence, dismissing similar claims without addressing the legal basis for the change. This inconsistency in judicial practice further undermined the constitutional principles of legal certainty and foreseeability.

From a constitutional perspective, the principle of legality plays a central role. Under Article 66 of the Constitution, citizenship can be acquired only under conditions set by law. Similarly, Articles 13 and 16 require that restrictions on fundamental rights and freedoms be prescribed by law. The principle of legality demands not only a formal statutory basis but also that laws be clear, foreseeable, and precise enough to prevent arbitrary administrative action. By imposing a restriction not specified in the law, the Directorate violated the constitutional requirement that conditions for citizenship acquisition must be set by Parliament, not by executive interpretation.

Beyond violating the principle of legality, this administrative shift also infringes upon other fundamental rights. First, denying citizenship to applicants who were minors at application but adults at decision implicates the right to respect for private and family life under Article 20 of the Turkish Constitution and Article 8 of the European Convention on Human Rights. Citizenship is a key element of personal identity, and its arbitrary denial can disrupt family unity, legal status, and access to rights. Second, the inconsistent and unexplained reversal of judicial practice infringes upon the right to reasoned decisions, which is inherent to the right to a fair trial. Although citizenship disputes are traditionally excluded from the scope of "civil rights and obligations" with respect to right to a fair trial under Turkish and European jurisprudence, courts increasingly recognize that arbitrary nationality denials may engage fair trial guarantees when fundamental rights are at stake.

The principle of equality under Article 10 of the Turkish Constitution is also implicated. Individuals in similar legal situations received different

treatment based on the timing of their applications. While some adult children were granted citizenship despite reaching majority before finalization, others were denied under the new practice. This inconsistent treatment, without objective and reasonable justification, violates the prohibition of discrimination and undermines the rule of law.

In conclusion, the abrupt administrative change and inconsistent judicial responses are unconstitutional. The Directorate lacked authority to impose an additional requirement not set forth in the law. The judiciary's inconsistent reasoning undermined legal certainty and foreseeability. These developments amount to violations of the principle of legality, the right to private and family life, the right to reasoned decisions, and the principle of equality. To resolve this uncertainty, the Turkish Parliament must enact clear statutory provisions specifying at which point in the application process minority status is assessed. Given the implications for fundamental rights, such clarification cannot be left to administrative discretion or subordinate regulations. Moreover, the study recommends assessing minority status at the time of application, as this approach best ensures predictability, equality, and protection of rights while preventing penalties for bureaucratic delays.

By situating the issue within the broader constitutional framework, this study underscores the pressing need for legislative reform to align citizenship practice with constitutional principles. Without such reform, legal uncertainty will persist. This may lead to applications to the Turkish Constitutional Court and the European Court of Human Rights, with potential findings of violations of fundamental rights and freedoms.