

# LP Legal

There has been a recent legislation change in the Guideline Regarding the Regulation on the Application of the Turkish Citizenship Law, dated 22.03.2021, where there have been new amendments for property transactions between foreigners. Section G of the Guideline, with the headline “*Transactions Between Foreigners*”, brings new conditions for the property and purchaser for the applicant to be eligible to acquire Turkish citizenship. Accordingly, the new conditions are:

- Property(s) subject to sale or preliminary sales agreement must not be registered in the land registry on behalf of foreign real persons. (Including the foreign person's spouse and children)
- The property subject to sales or preliminary sales agreement should not be among the properties transferred to a Turkish citizen/company after 12.01.2017 by the foreign real person who wishes to acquire citizenship, or its spouse and children, or by a foreign real person of the same nationality.

However, if the property registered in the name of a foreign real person is transferred to a Turkish citizen/company after 12.01.2017, a foreign real person of a different nationality is able to acquire citizenship with said property.

- The property which the foreign real person will acquire and subject to the sale or preliminary sales agreement should not be registered;
  - On behalf of the company where the foreign real person himself/herself, his/her spouse and children is a partner or manager.
  - On behalf of the company subjected to Article 36 of the Land Registry Law (with foreign / international capital) where same nationality real person is a partner.
- After a property has been used to acquire citizenship through title deed transfer or preliminary sales contract, the same property or the share of property cannot be used to acquire another citizenship.

Ex.: M, a foreigner, has concluded a preliminary sales contract for the full shares of the property in Istanbul for 252.000 USD, and has undertaken not to sell or release the property for 3 years. This has been annotated to the Land Registry and M has received a conformity certificate. After the duration of the 3 years annotation period, and even if the owner of the

# LP Legal

property changes, the same property cannot be used by someone else to acquire Turkish citizenship.

Ex. 2: A, a foreigner, has purchased half share of a property for 255.00 USD, and has annotated not to sell the property for 3 years and has received a conformity certificate in order to acquire Turkish citizenship. Even after the 3 years annotation period, the same share cannot be used to acquire citizenship by a different foreigner through title deed transfer or preliminary sales contract, even if the owner of the share changes.

- -If the foreigner who acquired Turkish citizenship by property investment sells the property back after 3 years annotation period to the company or to the Turkish national who they have purchased it from, (unless the transfer is mandatory due to court decision, enforcement etc.) or  
-If the foreigner who acquired Turkish citizenship revokes the annotation of the preliminary sales contract from land registry record of the property and sells it to a third person,  
The certificate of conformity that forms the basis for the acquisition of citizenship of the foreign person and his/her family will be re-evaluated.
- Foreigners who have acquired Turkish citizenship through property investment and who has the phrase “*Has acquired citizenship in accordance with Article 12/b of Turkish Citizenship Code no 5901*” in their MERNIS(Central Population Management System) registry shall be deemed as foreigners under this scope until the annotation is lifted.  
(These people cannot sell their annotated property for the duration of the annotation. They may sell their other properties that are not under an annotation; to foreigners who do not aim to acquire Turkish citizenship or to Turkish citizens, however they cannot sell their property to foreigners that intend to use it to acquire Turkish citizenship.)
- People who have denounced their Turkish citizenship under permission (blue card holders) will not be deemed as foreigners under this scope.
- Turkish nationals have another citizenship (dual citizenship), shall be deemed as Turkish citizens for the transactions they will take part in.