

Acquisition of Citizenship in Turkey, Canada, Australia and the United States of America

by Hande Tuğçe Keser

Citizenship refers being a member of a particular social, political, national, or human resource community. Status as a citizen of a country brings a person both rights and responsibilities that are specific to citizens of that particular country. The conditions of acquisition of citizenship depend on each country's laws and in this article those conditions under Turkish, Canadian, Australian and American law will be reviewed.

Acquisition of Turkish Citizenship

As per the Turkish Citizenship Law ("**Law**"), Turkish citizenship may be acquired by birth or after birth. Turkish citizenship may be acquired after birth (i) with the decision of a competent authority, (ii) by adoption or (iii) by choice. A person may acquire Turkish citizenship by the decision of the competent authority if he/she fulfills the conditions stipulated by the Law. As per Article 11 of the Law and Article 15 of the Regulation on Application of the Turkish Citizenship Law ("**Regulation**"), a person should meet the following requirements to apply for Turkish citizenship:

- i. Have reached the age of legal majority possessing decision-making competency according to his/her own national legal system, or according to Turkish law if stateless;
- ii. Have been resident in Turkey for five (5) years, without interruption, prior to the date of her/his application, but may have stayed abroad for no more than six (6) months within the residence period required for application (5 years);
- iii. Have the intention of settling in Turkey and prove this intention with actions such as acquiring property, establishing a business, making investments in Turkey, transporting one's business center to Turkey, working in Turkey with a regular work permit etc.;
- iv. Not have any disease that constitutes a danger to public health;
- v. Be a person of good morals;
- vi. Speak an adequate level of Turkish;
- vii. Have an income or profession to provide for his/her own livelihood and that of his/her dependents in Turkey;

viii. Not pose a threat to national security and public order.

However, fulfillment of the conditions that are required in the Law and the Regulation does not grant an absolute right for the person to acquire Turkish citizenship.

Acquisition of Canadian Citizenship

According to the Canadian Citizenship Law, the most important condition for acquisition of Canadian citizenship is residing in Canada for at least three (3) of the past four (4) years before the application for citizenship. After fulfilling the requirements that are stated below, applicants between the ages of 18 and 54 are eligible take the "citizenship test." Also, Canadian laws allow citizens to hold two (2) or more countries' citizenships. The person should meet the following requirements in order to apply for Canadian citizenship:

- i. Be at least 18 years old;
- ii. Have permanent resident status in Canada;
- iii. Have lived in Canada for at least three (3) of the four (4) years immediately before applying,
- iv. Have adequate knowledge of the English or French language;
- v. Have an understanding of Canada's history and cultural values;
- vi. Not have been convicted of any criminal offense under the Citizenship Act in the three years before application;
- vii. Not be under investigation for, charged with, or have been convicted of a war crime or a crime against humanity;

- viii. Not have had their Canadian citizenship revoked in the last five (5) years;
- ix. Understand the rights and responsibilities of citizenship.

The acquisition of Canadian citizenship becomes much easier upon becoming an immigrant to Canada. Immigration conditions provide different opportunities for people who want to conduct business in Canada. The business immigration program of Canada seeks to attract experienced business people who will support the development of the Canadian economy. Such immigrants must fulfill the requirements stated below:

Investors

The immigrant investor program of Canada seeks experienced business people to invest CAD 800,000 into Canada's economy and become permanent residents. To qualify, investors must show that they have business experience, have a minimum net worth of CAD 1,600,000 that was obtained legally and make a CAD 800,000 investment.

Entrepreneurs

The entrepreneur program of Canada seeks to attract experienced business persons who will own and actively manage businesses in Canada that contribute to the economy and create jobs. To qualify, entrepreneurs must show that they have business experience and a minimum CAD 1,600,000 capital.

Self-employed

The self-employed persons program of Canada seeks to attract applicants who have the intention and ability to become self-employed in Canada. Self-employed persons are required to have relevant experience that will make a significant contribution to the cultural or social life Canada.

Acquisition of Australian Citizenship

The most important conditions for acquisition of Australian citizenship are the fulfillment the residence condition and having lived in Australia at least four (4) years. The residence requirement is based on the time lived in Australia and the time spent outside of Australia. An applicant must have been living in Australia with a valid Australian visa for four (4) years, including the last twelve (12) months as a permanent resident, immediately before applying, and must not have been absent from Australia for

more than one (1) year in total during the four (4) year period, including no more than ninety (90) days in the year before applying. Also, in addition to the residence requirements, an applicant must have general knowledge of Australian culture and be able to speak English. In that way, the person should meet the following requirements in order to apply for Australian citizenship:

- i. Have lived in Australia on a valid Australian visa for four (4) years immediately before the application;
- ii. Have lived the last twelve (12) months before the application as a permanent resident in Australia;
- iii. Not have been absent from Australia for more than one (1) year in total during the four (4) year period, including no more than ninety (90) days in the year before the application;
- iv. Not have been involved in a serious criminal action.

A person who works for three (3) years in Australia with a temporary employment visa may obtain permanent residence. Therefore, that person may fulfill the four (4) year criteria if he/she remains one (1) more year after obtaining permanent residence.

Also, Australian law allows citizens to hold multiple countries' citizenships.

Acquisition of American Citizenship

The requirements for obtaining American citizenship are greater than the other countries'. However, as with the other countries covered above, American law does not require the renunciation of a person's current citizenship. As per the American regulations, the person should meet the following requirements in order to qualify for American citizenship:

- i. Be eighteen (18) years of age or older;
- ii. Have been a green card holder for at least five (5) years before the application;
- iii. Have maintained continuous residence in the US as a green card holder for at least five (5) years immediately preceding the date the application is filed;
- iv. Be physically present in the US for at least thirty (30) months of the five (5) years immediately preceding the date the application is filed;
- v. Be a person of good moral character, attached to the principles of the constitution of the US, and well disposed to the good order and happiness of the US during all relevant periods under the law;
- vi. Be able to read, write and speak English and have knowledge and an understanding of US history and government.

The application may be made with the application form to the United States Immigration and Naturalization Service (INS) and after the application the applicant will be invited for the interview.

As stated above, one of the important conditions required for application is to have a green card. A green card may be obtained through (i) a lottery, (ii) family, (iii) a job, or (iv) other ways. Those conditions are examined in detail below.

Through a Lottery

Every year United States admits 55,000 immigrants from different countries to the United States through a green card lottery. The United States government has conducted the green card lottery since 1990 to eliminate the imbalances of immigration from specific countries, increase cultural diversity and control the admission of immigrants.

Through Family

Many people may be eligible to get green cards through family members who are American citizens. A US citizen related to a person may apply for a green card on behalf of that person.

Through a Job

There are a number of specialized jobs that may allow persons to get a green card based on a past or current job. For instance, the applications of profes-

sors and persons talented in science, art, trade etc. are evaluated using different criteria. Also, persons interested in investing or establishing a new commercial enterprise costing between USD 500,000 and USD 1,000,000 and employing at least ten (10) persons aside from him/herself and his/her family shall be evaluated under different criteria for the green card application.

Through Other Ways

Including but not limited to the conditions that are stated above, the United States government regulates the green card application conditions in detail.

Analysis of the Turkish System

As is examined in this article in detail, the conditions for the acquisition of citizenship depend on the country. In Turkish law, the conditions for the acquisition of Turkish citizenship are less complicated compared to other countries'. In particular, citizens from many different countries may enter Turkey without any visa requirements, enabling many people to fulfill the citizenship requirements more easily. Also, as noted above, a "citizenship test" is not required to acquire Turkish citizenship.

However, while the requirements for citizenship are less than other countries', some of the regulations, especially the residence periods may be re-regulated to be comparable to the regulations of other countries.