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**Old friends, new partners:
A comparison of the Turkish and Hungarian citizenship systems**

The Hungarian-Turkish Friendship Park (Macar-Türk Dostluk Parkı) was established in 1994 in Csertő near Szigetvár. It is a public memorial park dedicated to the enemy commanders Miklós Zrínyi and Suleiman I (the Magnificent), who died during the siege of the town and the castle of Szigetvár in 1566 and is intended to strengthen reconciliation between the Hungarian and Turkish peoples. In 2013, an intensive research effort was carried out, using a multi-disciplinary method of investigation, to determine the exact location of the türbe, based on written references to the location of the tomb, which is believed to have been erected over the internal organs of the Sultan buried here, and on the results of the archaeological preparatory works. The remains of a building, consisting of a tripartite entrance hall and a square central room, which, in addition to its foundation walls, also contained other architectural details related to the façade decoration of the Sultan's mausoleum in the Süleymaniye mosque complex in Istanbul, were found during the excavation and identified with the former Türbe. It is known that the relation of the Turkish and Hungarian people has a long history and today the 150 years of Turkish rule over the Hungarians is one of the strongest bases for rapprochement in relations. Overtime how the relation of the two parties evolved, to what extent are the countries have gone from friends to partners aware that their citizenship systems, which express their identity and sovereignty to the outside world, are not so different? Is there a convergence in today's citizenship rules in both states? The article seeks to answer this question.

I. An overview of the Bilateral Relations Between Turkey and Hungary

The relation between Turkish and Hungarian peoples has a deep root in the history. The historical research conducted until today has shown that the Central Asia is the place where the origins of both nations belong to. It is a very well-known fact that Hungarians and Turks lived in the Central Asia and both of them immigrated from there to different parts of the world: Turks to Anatolia, Hungarians to the Carpathian Basin. Back then, before the immigration, the nomadic people preferred to live close to each other for security reasons instead of accommodating in uninhabited areas, likewise Hungarians and Turks as two independent nations became neighbours, business partners, vendors and buyers to each other and this relation lasted for centuries². Since then, these two nations had struggling times when they had to confront with each other in different epochs during the history, yet most of the time, Hungarians and Turks gave each other a back by supporting one another generously in challenging times.

The Ottoman Empire hosted the Hungarian leaders and provided shelter to those who needed it in various times during the history: The pioneer of the printing press İbrahim Müteferrika and founder of the fire brigade Count Ödön Széchenyi in 1672, the leader of anti-Habsburg uprisings Imre Thököly and his wife in 1699 sought a shelter in the Ottoman

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² CSAKI, E., Macarlar'ın Eski Tarihine ve Eski Türk- Macar İlişkilerine Dair, Türk Kültürü ve Hacı Bektaş eli Araştırma Dergisi, 0/30, 2004, pp. 187- 188.

Empire; after the Treaty of Passarowitz, Hungarian King Ferenc Rákóczi II sought protection in the Ottoman Empire in 1718; Lajos Kossuth and 3000 Hungarians along with him came to the Ottoman Empire after the War of Independence in 1848.³ At the late 1910s, the Hungarians developed the concept of Turanism and this caused a further rapprochement between two nations who later would fight together as allies during the World War I, at the end of which both countries lost a considerable portion of their territories and population⁴, but also resulted in changing the regime of the states. After the establishment of the Republic of Turkey, Hungary was the first country to sign the first official treaty with the new-born country on 18 December 1923 and they mutually established diplomatic relations and dually opened embassies in both countries in 1924.⁵

During the interwar period, the relations persisted strong, and this also contributed to have an extensive economic and cultural cooperation between Hungarian and Turkish states.⁶ The first Turkology department was established in the University of Budapest in 1870 and hosted well-known Turkologists Armin Vambery, Jozsef Thury, Ignac Kunos, Gyula Nemeth and Lajos Ligeti⁷ and in 1936 upon the request of Mustafa Kemal Atatürk Institute of Hungaryology was established under the roof of the Faculty of Language, History and Geography in the University of Ankara.⁸ During the early years of the Republic, many Turkish students went to Hungary in order to study and many Hungarian intellectuals, architectures and scientists contributed to the modernization and development of the Republic of Turkey. Mustafa Kemal Atatürk honoured the Hungarian nation stating that “I am cordially an admirer of the Hungarian nation and I highly appreciate their moral values and intellectual qualifications.” and the Hungarians have repeatedly praised Atatürk and his revolutions.⁹

Turkey remained neutral during the World War II, nevertheless, the doors of the country were kept open to the Hungarians who were in help. Prime Minister of Hungary Miklos Kállay sought refuge in Turkey, and during the same period, many Jewish Hungarians could flee to Palestine or America from Hungary as a result of the facilities of the Embassy of Turkey to Budapest which issued them passports of the Republic of Turkey.¹⁰ During the Cold War period, these two nation states were in the different blocks, however they never considered each other as a threat.¹¹ After the fall of the iron curtain, the relation between these two nation states gained momentum and got deeper.

In our contemporary times, Turkey and Hungary enjoy friendly relations stemming from the common historical and cultural ties.¹² This fact even helps them to construct their foreign policies relying on each other as the key countries in the region. Hungary sees Turkey

³ Göç Tarihi, İçişleri Bakanlığı Göç İdaresi Başkanlığı, Available at: <https://www.goc.gov.tr/goc-tarihi>, Accessed on: 10.12.2012.

⁴ FODOR, P., Hungary between East and West: The Ottoman Turkish Legacy, in: More MODOQUE, 2013, pp.415-416.

⁵ Büyükelçi Ahmet Akif Oktay'ın Türkiye ile Macaristan Arasında Diplomatik İlişkilerin Kurulmasının 95. Yıldönümü Vesilesiyle Budapeşte Yunus Emre Enstitüsü'nde Düzenlenen Kutlama Programında Yaptığı Konuşma, Türkiye Cumhuriyeti Budapeşte Büyükelçiliği, 14 Aralık 2018. Available at: <http://budapeste.be.mfa.gov.tr/Mission/ShowSpeech/12486>, Accessed on: 10.12.2021.

⁶ FODOR, P., op.cit., p.416.

⁷ CSAKI E., op.cit., p. 189.

⁸ FAKILI, Ş. Orta Avrupa'da Akraba ve Dost Bir Ulus: Macarlar, Ankara Politikalar Merkezi, Available at: <https://apm.org.tr/2021/04/11/orta-avrupada-akraba-ve-dost-bir-ulus-macarlar/>, Accessed on: 10.12.2021.

⁹ SARAL, E., Yakın Dönem Türkiye- Macaristan İlişkileri, in ÖRMECİ, O., İŞIKSAL, H. (eds), Mavi Elma: Türkiye Avrupa İlişkileri, Gazi Kitabevi, Ankara, p. 726.

¹⁰ ÇOLAK, M., II. Dünya Savaşı Yıllarında Macar Yahudileri ve Türkiye (1939 – 1945), Karadeniz Araştırmaları Dergisi, Vol.27, 2010, p. 84.

¹¹ DEREĞOZU, M. Türkiye-Macaristan İlişkileri, Seta Yayınları 159, 2020, p. 13. Available at: <https://setav.org/assets/uploads/2020/05/R159.pdf>, Accessed on: 10.12.2021.

¹² Bilateral Relations between Turkey and Hungary, Republic of Turkey, Ministry of Foreign Affairs, Available at: <https://www.mfa.gov.tr/relations-between-turkey-and-hungary.en.mfa>, Accessed on: 10.12.2021.

as a solution to its problems and regards it as an economic potential, while Turkey appraises Hungary as a gate which opens to the West and evaluates it as the key actor in the Balkan region.¹³ Zoltán Egeresi, a research fellow on Turkey at the Strategic Defence Research Institute of the National University of Public Service (NKE-SVKI) Hungary also reported that "the Hungarian government sees Turkey as extremely important in controlling migration routes, and thus in safeguarding the country's security, while the Turkish president always benefits from having a leader in the EU who is willing to take Turkish interests into account."¹⁴

Hungary and Turkey give a back to each other in the multinational level and in the international relations. Hungary is one of the continuous supporters of Turkey's accession to the European Union, and Turkey supported Hungary's observer member status in the Organisation of Turkic States (OTS), which makes it a valuable partner for the OTS considering the Hungary's geopolitical location within the European Union.¹⁵

On the 90th anniversary of the Treaty of Friendship which was signed between Turkey and Hungary on 18 December 1923, Turkey and Hungary established a High-Level Strategic Cooperation Council in order to foster the cooperation on several sectors including environment, energy, forestry and water affairs, culture, education, media as well as visa facilitation for businessmen.¹⁶ While the cooperation between Turkey and Hungary deepens and strengthens on a state-level, recently the joint work of the Turkish and Hungarian scientists Özlem Türeci, Uğur Şahin and Katalin Karikó could manage to produce one of the most effective remedies for the Covid-19 global pandemic.¹⁷

II. Citizenship and migration

In the age of migration, as a result of the nation-state notion, holding a citizenship utterly important to facilitate the process of leaving and entering to a country while migrating because of the fact that it gives the right to possess a legal document (passport). Furthermore, the citizenship also provides civil, political, and social rights in the nation-state territory for their holders.¹⁸ From this perspective, the link between immigration and the citizenship becomes much stronger. Especially, for the international migrants, acquisition of citizenship is equally significant. According to the Ager and Strang, one of the core domains for the successful integration of migrants is right and citizenship which are evaluated as the foundation of this framework.¹⁹ Citizenship acquisition is very important especially for the migrants since the naturalized citizens have shown a tendency to become integrated into the society comparing to the ones who remain non-citizen residents or denizens.²⁰

¹³ SARAL, E., op.cit., p. 728.

¹⁴ ROSTOVANYI, A., Bekopogtatnak Magyarországra a törökök, Nepszava, 18.10.2021. Available at: https://nepszava.hu/3135389_bekopogtatnak-magyarorszag-a-torokok, Accessed on: 10.12.2021.

¹⁵ EGERESI, Z. Analysis- Hungary in the Organization of Turkic States: A Bridge between East and West, Anadolu Ajansı, 18.11.2021. Available at: <https://www.aa.com.tr/en/analysis/analysis-hungary-in-the-organization-of-turkic-states-a-bridge-between-east-and-west/2424575>, Accessed on: 10.12.2021.

¹⁶ The First meeting of Turkey-Hungary High Level Strategic Cooperation Council was held in Ankara, Republic of Turkey, Ministry of Foreign Affairs, Available at: <https://www.mfa.gov.tr/the-first-meeting-of-turkey-hungary-high-level-strategic-cooperation-council-was-held-in-ankara.en.mfa>, Accessed on: 10.12.2021.

¹⁷ GARDE, D., The Story of mRNA: How a once-dismissed idea became a leading technology in the Covid vaccine race, Statnews, 10.11.2020, Available at: <https://www.statnews.com/2020/11/10/the-story-of-mrna-how-a-once-dismissed-idea-became-a-leading-technology-in-the-covid-vaccine-race/>, Accessed on: 10.12.2021.

¹⁸ MARSHALL, T.H., *Citizenship and Social Class*, Cambridge, 1950, p. 149.

¹⁹ AGER, A.; STRANG, A., Understanding Integration: A conceptual Framework. In: *Journal of Refugee Studies*, Vol.21, No: 2, Oxford, 2008, p.170.

²⁰ HOWARD, M., M., Comparative Citizenship: An Agenda for Cross-National Research. In: *Perspectives on*

Regardless their position against migration, Hungary and Turkey are in the scope of recent migration flows due to their geopolitical location as well as their facilities provided for the foreigners. Both of them welcome different nationalities from all over the world and majority of the migrants generally plan a long-term stay in the destination countries. Therefore, it is important to compare Turkish and Hungarian citizenship principles. Apparently, they have little in common because of the large population and thus migration size of the two countries, their different geopolitical locations, languages, and religions. Yet, the 150 years of shared history and the expansion of the relationship that now underpins it builds on some common elements. The similarities are reinforced by a number of factors:

- Both countries combine Eastern and Western traditions;
- The two countries define themselves as democratic, secular nation-states, republics, according to their constitutions, although the role of churches and religion is increasingly important in legal and political documents. While Turkey has recently introduced a presidential system, Hungary remains a unicameral parliamentary system with unusually centralised governmental power;
- Both states are party to NATO and the Council of Europe, as well as to the most important human rights conventions; and Hungary became an observer member in the Organization of Turkic States,
- Turkey and Hungary have very diverse cultures, with many minorities/ethnicities living on their territories, and in Hungary the languages of minorities are protected and recognised;
- Both countries have a large Diaspora. Many Turks have emigrated abroad in search of a better livelihood, with mass emigration beginning in the 1960s and 70s, particularly to post-WWII labour shortages in Germany, where at least 2 million Turks now live, many of them entrepreneurs. The structure of the Diaspora also influences the size of the r/emigration and remittances, investments, and there is a significant Turkish Diaspora in different regions (the Netherlands, Austria, Belgium, France, Russia, USA, Canada have larger numbers). Hungarian emigration to the USA started in the 1880s and racial laws, world wars and 1956 revolution have increased emigration, just as today it is mainly to EU Member States for work, study and participation in circular migration.
- Both states are peripheral countries and therefore on the route of migrants and refugees. But what they have in common is that neither state like irregular migration, the authorities see refugees as a problem, and prefer to call other states' attention as a means of strengthening cooperation in the international relations. For example, Turkey is taking in millions of Syrian refugees, but it is also the basis of its pact with the EU.
- Inter-state relations are excellent, despite the fact that the leaders of the two countries have radically different roles and difficult-to-reconcile political views. The Hungarian prime minister sees himself as a defender of Christian Europe and regularly raises sentiment against Muslim immigrants, while the Turkish president, as a self-appointed spokesman for the Islamic world, has been quick to condemn such rhetoric.
- The institution of citizenship is flourishing in both states and there are hopes for economic and social development in both countries through the citizenship acquisition.

But what role can citizenship rules actually play in this? A citizen is a person who possesses a legal tie with a state. A person acquires a citizenship by birth or naturalization in the territory where he or she resides and he or she can travel internationally with the state's passport while enjoying the full legal, political, social and cultural rights.²¹ The citizenship is acquired at birth, but one can also get it after birth. There are two main modes of acquisition

Politics, Vol.4, No.3, 2006, p. 445.

²¹ TURNER, B., T., We are all denizens now: on the erosion of citizenship. In: *Citizenship Studies*, Vol.20, Nos. 6-7, 2016, p. 682.

namely: *ius soli* and *ius sanguinis*. *Jus soli* refers to the acquisition of citizenship based on the territory of the country where the person was born, while *ius sanguinis* is based on blood relations and acquisition of the citizenship through his or her parents ‘(or one parent or one particular parent), at the time of the person’s birth or at a later point in the person’s life.’²² The concept of citizenship is divided into various streams such as ‘citizenship-as-legal-status’ and ‘citizenship-as-desirable-activity’.²³ However, citizenship does not only cover accession to the rights, participation and duties that you need to perform, and building an identity, but it also gives people a chance to oppose any of these.²⁴

There are two main citizenship principles which explain the citizenship models: liberal and republican. The most distinctive facts between these theories can be figured as that in general the republican theory prioritizes the notion of responsibility, whereas the liberal theory stresses rights and freedom. Liberal citizenship theory argues that all individuals in the state are equal and free. This theory especially concentrates on the relation between the individual and state, the state’s boundaries about what to do or not, last but not least sees the citizenship as formal, universal, legal status which protects the individual. The republican theory refers the freedom as self-government and efforts to meet at the common good. According to the republicans, the citizenship is ‘a legal status and inter-subjective recognition of equality’ and it requires the citizens’ active participation and ‘civic virtue’.²⁵

Emigration and immigration trends in Turkey and Hungary can be summarised as follows:

During the recent years, there is an increase on the numbers of foreigners entering to Turkey.²⁶ As of 2021, the population of Turkey stood at 83.614.362 according to the results of Address Based Population Registration System.²⁷ And according to the statistical data of the Directorate General of Migration Management, 1.251.569 of whom are foreigners who have been in Turkey based on a Residence Permit in 2021 and the top 10 nationalities are listed in the descending order as Iraq, Turkmenistan, Syria, Iran, Uzbekistan, the Russian Federation, Azerbaijan, Afghanistan, Kazakhstan, Egypt.²⁸ Additional to these numbers, as of 11 November 2021, there are 3.731.028 Syrians living in Turkey under temporary protection.²⁹ The number of Turkish citizens living abroad is also increasing each year. The total population of Turkish people living abroad is more than 6.500.000 and around 5.500.000 of whom live in Western European countries and the rest resides in North America, Asia, Middle East, and Australia.³⁰ The Turkish Diaspora in Hungary is not large in number but is

²² International Glossary on Migration, *ibid.*, p. 120.

²³ KYMLICKA, W., NORMAN, W., Return of the Citizen: A Survey of Recent Work on Citizenship Theory. In: *Ethics*, Vol.104, No.2, 1994, p.353.

²⁴ KOSTAKOPOULOU, D., Why Naturalization?. In: *Perspectives on European Politics and Society*, Vol.4, No.1, 2003, p.86.

²⁵ HONOHAN, I., Liberal and Republican Conceptions of Citizenship. In: SHACHAR, A.; BAUBÖCK, R., BLOEMRAAD; VINK, M. (eds.), *Oxford Handbook of Citizenship*, Oxford, 2017, p. 84-85.

²⁶ 2016 Türkiye Göç Raporu, T.C. İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü, Yayın No: 40, 2017, p. 31. Available at: https://www.goc.gov.tr/kurumlar/goc.gov.tr/YillikGocRaporlari/2016_yiik_goc_raporu_haziran.pdf, Accessed on: 10.12.2021.

²⁷ Adrese Dayalı Nüfus Kayıt Sistemi Sonuçları, 2020, T.C. Türkiye İstatistik Kurumu, Available at: <https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayalı-Nüfus-Kayıt-Sistemi-Sonuçları-2020-37210&dil=1>, Accessed on: 10.12.2021.

²⁸ İkamet İzni İle Ülkemizde Bulunan Yabancıların Yıllara Göre Dağılımı, T.C. İçişleri Bakanlığı Göç İdaresi Başkanlığı, Available at: <https://www.goc.gov.tr/ikamet-izinleri>, Accessed on: 10.12.2021.

²⁹ Yıllara Göre Geçici Koruma Kapsamındaki Suriyeliler, İçişleri Bakanlığı Available at: <https://www.goc.gov.tr/gecici-koruma5638>, Accessed on: 10.12.2021.

³⁰ Yurtdışında Yaşayan Türk Vatandaşları, T.C. Dışişleri Bakanlığı, Available at: https://www.mfa.gov.tr/yurtdisinda-yasayan-turkler_tr.mfa, Accessed on: 10.12.2021.

becoming more visible due to their businesses and investments today. The community currently numbers around 3000 people.

Hungary has a very special geographic location just as Turkey. Located at the heart of the Europe, Hungary serves as a bridge between the external and internal borders of the European Union³¹ Hungary currently has 10 million population, yet foreigners from all around the world reside in Hungary, too. The Central Statistical Office shared the number of foreigners living in Hungary by continent (by citizenship) in 2020 and according to this list, 131.291 Europeans, 53.099 Asia, 7631 Americans, 7278 African, 658 Australia and Oceania, 199.957 foreigners in total live in Hungary, and this only corresponds 2% of the 10 million population.³² Hungary is located at the frequently preferred route of asylum seekers. According to EUROSTAT data, there were 5,898 refugees living in Hungary in 2020, a barely detectable proportion of the EU's total refugee population of 2.7 million.³³

Acquisition of citizenship after birth can be maintained in Hungary. The number of persons acquiring citizenship by naturalisation in Hungary in 2020 according to the Hungarian Central Statistical Office: European 1673, Asian 148, American 147, African 170, 2139 in total - a significant decrease from the 21,000 achieved through simplified naturalisation introduced in 2011, but including only those who have established a residence in Hungary, i.e. who have moved into the country at least nominally, and not including the 1 million who have become dual citizens but not formally migrated.³⁴ Zsolt Semjén, Deputy Prime Minister, emphasized in Parliament that he called preferential naturalisation the greatest act of national unification policy. "Thanks to simplified naturalisation, 940,000 people in the Carpathian Basin have taken the oath of citizenship, while in the Diaspora, typically by taking advantage of the opportunity to establish citizenship or by traditional means, around 160,000 people have been granted Hungarian citizenship. In total, 1 million one hundred thousand of our fellow citizens have become our compatriots," he said in May 2020.³⁵

The number of Hungarians living abroad has been growing dynamically for years, but in 2020 the overall increase was only 2.6%, i.e. almost stopped. Germany remains by far the most popular destination for Hungarians, with 192,000 Hungarians living there. For the first time in decades, their numbers have fallen, even if only by 1,600. The UK is in second place, with 114,000 Hungarians living there in 2020, and Austria has also set a new record, with one in 98 Hungarians. In 2020, the number of Hungarians emigrating abroad was 509,961, who emigrated and registered in recent years, mainly in other EU and EEA member states.³⁶

III. Turkish citizenship system

³¹ BERNAT, A., FEKETE Z., SIK, E. TOTH, J., Borders and Mobility of Migrants in Hungary, CEASEVAL Research on the Common European Asylum System, No. 29, 2019, p.26. Available at: http://ceaseval.eu/publications/29_WP4_Hungary.pdf, Accessed on: 10.12.2021.

³² Magyarországon tartzkodó külföldi allampolgárok, az allampolgárság országa es nem szerint, Központi Statisztikai Hivatal, Available at: https://www.ksh.hu/stadat_files/nep/hu/nep0023.html, Accessed on: 10.12.2021.

³³ A Menedekkerők Szama az EU-ban, 2020, European Parliament, Available at: https://www.europarl.europa.eu/infographic/welcoming-europe/index_hu.html#filter=2020-hu, Accessed on: 10.12.2021.

³⁴ A Magyarországon allampolgárságot kapott Személyek az előző allampolgárság országa szerint, Központi Statisztikai Hivatal, Available at: https://www.ksh.hu/stadat_files/nep/hu/nep0033.html, Accessed on: 10.12.2021.

³⁵ Tíz éve új időszámítás kezdődött a magyar nemzetpolitikában, Hirado, 26.05.2020, Available at: <https://hirado.hu/belfold/cikk/2020/05/26/tiz-eve-fogadta-vissza-az-anyaország-a-hataron-tuli-magyarokat>, Accessed on: 10.12.2021.

³⁶ BUCSKY, P., Aki akart, mar kiment, csaknem megallt a külföldön élő magyarok számanak növekedese, G7, 8.09.2021, Available at: <https://g7.hu/kozelet/20210908/aki-akart-mar-kiment-csaknem-megallt-a-kulfoldon-elő-magyarok-szamanak-novekedese/>, Accessed on: 10.12.2021.

The Republic of Turkey was established as a modern nation state in 1923, however the roots of the acquisition of citizenship dates back to the Ottoman Empire's modernization era. In 1856, when the Ottoman Empire signed the Treaty of Paris and the Ottoman Reform Edict, it implicitly accepted to be a European-style state based on the principle of territory; meaning that the state would be established on a nation.³⁷ The main aim of the Ottoman Reform Edict of 1856 was to diminish the religious differences so that the people could be equal to each other before law; therefore with the new acts and legislations introduced between 1864-70, explicitly in 1869 with the Ottoman Citizenship Law (Tabiyet-i Osmaniye Kanunu), the Ottoman Empire tried to create its own nation based on the citizenship and equality, naming the people living in its territory as Ottoman citizens.³⁸

The Republic of Turkey was born from the ashes of the Ottoman Empire and it has been embracing many different ethnicities since the Ottoman Empire times. The traces of this diversity have a reflection on law and can be seen in law-making, too. Although the name of 'Turk' is formulized in the legislations, it is also highlighted that not only Turkish ethnic roots, but regardless of the race, anyone has a right to receive citizenship as long as they have a legal tie to the state. The name of 'Turk' was intended to create a supra-identity for all the different ethnicities living within the border of modern Turkey.

The Republic of Turkey was established as a nation-state, nevertheless, the people living in the territory came from quite diverse ethical background. Due to the fact that the attempt of supra-identity creation was inspired, the first legal initiative for the Turkish citizenship was very inclusive. Regardless of their race, ethnicity, language and religion, everybody living within the border was regarded as citizens of the new-born republic. In the Article 88 of 1924 Constitution which was the first Constitution of the State (descent of 1921), this fact was emphasised as that "within the framework of the nationality, all the people of Turkey are defined as 'Turk' no matter what their race and religion are."³⁹ The Turkish Citizenship Law No.1312 of 12 May 1928 was built on the jus sanguinis principle, yet jus soli principle was also a complementary rule.⁴⁰ According to this law, jus sanguinis principle was applied if one of the parents (either mother or father) was Turkish and jus soli principle was in effect if the child was born in Turkey and their parents were stateless or unknown.

Until today, there were two further Constitution-modifications following the first one and the same inclusive approach was repeated for the citizenship acquisition. The Article 54 of the 1961 Constitution states that "Everybody who has a bond of citizenship with the Turkish state is Turk".⁴¹ On the Law no.403 of 11 February 1964 on Nationality, Article 1 states that "any child is a Turkish citizen by birth if he or she was born within the territory or outside of Turkey, from a Turkish father, given birth by a Turkish mother and who is not able to acquire the citizenship of the father by birth, given birth by a Turkish mother out of wedlock."⁴² According to these provisions, the child of a Turkish woman married to a foreigner could not acquire the Turkish citizenship, but later on this was amended in 1981 and rephrased as "either of the parents". In the Article 66 of 1982 Constitution, the formula of

³⁷ KARPAT, K., *Osmanlı Nüfusu (1830-1914) Demografik ve Sosyal Özellikleri*, İstanbul, 2003. p.20.

³⁸ Ibid.

³⁹ Constitution of the Republic of Turkey of 1924, available at: <https://www.anayasa.gov.tr/tr/mevzuat/onceki-anayasalar/1924-anayasasi/>, accessed on: 06.04.2021.

⁴⁰ ICDUYGU A., COLAK, T., SOYARIK, N., What is the matter with citizenship? A Turkish debate. In: *Middle Eastern Studies*, Vol. 35, No: 4, 1999. p.193.

⁴¹ Constitution of the Republic of Turkey of 1961, available at: <https://www.anayasa.gen.tr/1961ay.htm>, accessed on: 06.04.2021.

⁴² Turkish Citizenship Law, Act No: 403, available at: <https://www.resmigazete.gov.tr/arsiv/11638.pdf>, accessed on: 06.04.2021.

acquisition of citizenship remains the same with the similar wording stating that everybody is considered Turk as long as they have a citizenship tie with the State.⁴³

Currently, acquisition and the loss of Turkish citizenship is regulated under the Law No.5901. Part Two of this law focuses on how to acquire the citizenship. Jus sanguinis is the main principle to acquire the Turkish citizenship. However, acquiring Turkish citizenship has two different ways: citizenship acquired by birth and citizenship acquired after birth. How to acquire the citizenship by birth is explained under the Article 7 with the title of “Descent (Kinship Tie)” and Article 8 with the title of “Place of Birth”. According to Article 7- (1) A child born to a married Turkish father or mother, whether in Turkey or abroad, is Turkish citizen, (2) A child born to a Turkish mother and a alien father out of wedlock is Turkish citizen, (3) A child born of a Turkish father and an alien mother out of wedlock acquires Turkish citizenship if the principles and procedures regarding the determination of descent are met.⁴⁴ According to the Article 8- (1) A child born in Turkey, but acquiring no citizenship from his/her alien mother or alien father acquires Turkish citizenship by birth. (2) A child found in Turkey is deemed to have been born in Turkey unless proven otherwise.⁴⁵

A person who wishes to acquire Turkish citizenship after birth should apply to a competent authority. Upon request, if s/he meets requirements stipulated this law, citizenship can be granted citizenship (naturalisation). There are several conditions for acquisition and on the Article 11- (1) all are explained as follows:

- the person should be at the age of consent and capable of distinguishing the power according to his/her own national legal system or if he or she is stateless according to the Turkish law,
- he or she should live in Turkey continuously for five years without interruption, before the date of his or her application,
- should show a will to settle in Turkey and prove this intention with action,
- not possess any illness that cause a danger for the public health,
- be a person of good morals,
- express himself or herself in an adequate level of Turkish,
- have an income or profession to maintain his own and his/her dependants’ livelihood in Turkey,
- not pose a threat to national security and public order.⁴⁶

There are exceptions or preferences in acquisition procedure under the Article 12, it is stated that as long as there is no obstacle for the national security and public order, aliens may be received into Turkish citizenship upon a proposal by the Ministry of Interior and decision of the Council of Ministers. These aliens are explained as follows: a) those persons who bring into Turkey industrial facilities or he/she is considered that will bring an outstanding service in social and economic arena or in the fields of science, technology, sports, culture or arts, b) those persons whose admission into the citizenship is assumed to be necessary, c) those persons who are recognized as migrants.

Turkish citizenship can be also acquired upon marriage. On the Article 16, it is stated that aliens who have been married to a Turkish citizen at least for three years and still keep the marriage at the time of application can apply for acquisition. However, there are three main conditions to be fulfilled by the applicant: a) shall live in a family unity, b) shall avoid acts not compatible with the marriage unity, c) shall not pose a threat on national security and public order.

⁴³ The Constitution of the Republic of Turkey of 1982, p.20, available at: <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.2709.pdf>, accessed on: 06.04.2021.

⁴⁴ Turkish Citizenship Law, Law No. 5901, Adoption Date: 29/05/2009, pp. 1-2. Available at: <https://www.refworld.org/pdfid/4a9d204d2.pdf>, Accessed on: 13.12.2021

⁴⁵ Ibid., p. 2.

⁴⁶ Ibid.

The new regulations on acquisition of the Turkish citizenship were released in the Official Gazette no: 29946 dated on January 12, 2017. According to the new amendment decision no: 2016/9601 titled as “Enforcement of the Regulation on the Amendment of the Regulation on the Implementation of the Turkish Citizenship Law”, the foreigners who meet any of the following conditions would be eligible to acquire citizenship:

- Proven by the Ministry of Economy to have made a minimum of USD 2,000,000 of fixed capital investment
- Proven by the Ministry of Environment and Urbanisation to have acquired an immovable property worth a minimum of USD 1,000,000 with a title deed restriction of not to sell for at least three years
- Proven by the Ministry of Labor and Social Security to have created jobs for at least 100 people
- Proven by the Banking Regulation and Supervision Agency to have deposited at least USD 3,000,000 in banks operating in Turkey with the condition of keeping for at least three years
- Proven by the Turkish Treasury to have bought at least USD 3,000,000 worth of government bonds and provided they are not sold over the course of three years.⁴⁷

In 2018, the target amount of the acquisition of Turkish citizenship was reduced from USD 2 million to USD 500,000. According to the decision, published in the Turkish official journal (Resmi Gazete), foreigners who own property in Turkey will be able to obtain citizenship with a property worth USD 250,000 instead of the previous minimum of USD 1 million. The "employment of at least 100 persons", which is also a condition for obtaining citizenship, has been amended to "50 persons". The amount of money that must be held in banks in Turkey in order to qualify for citizenship has also been reduced: the bank deposit has been reduced from USD 3 million to USD 500,000.

It is presumably due to these facilitations and the attraction of migrant investors that these "citizenship for money" schemes are popular not only in Turkey. The measure is Ankara's attempt to stimulate the flagging Turkish economy. The Turkish lira has suffered a severe depreciation against major international currencies in recent years, for political and internal security reasons, analysts say. In other words, Turkey does not give citizenship too expensively, Hungary, for example, even makes residency conditional on the subscription of a EUR 300,000 nominal value government bond (although the scheme is not long-lived, it was just announced today that it will be discontinued). In any case, from an investor's point of view, you can now become a Turk for a small amount of money (even by buying an expensive apartment in the city centre). Many people don't want to invest much money, and capital is flowing out of Turkey, mainly because of the serious uncertainties surrounding Turkish politics.⁴⁸

This new amendment has eased the citizenship acquisition process for the foreign investors and since the entry into force, just within three years 7,312 foreigner has gained a right to become a Turkish citizen with the total amount of USD 1,880,000,000 immovable investment in Turkey. This change has attracted many foreign investors from all over the world primarily from Iran, Afghanistan, Iraq and Yemen, however there are many other foreigners from Germany, USA, Argentine, Australia, Brazil, the United Kingdom, France, the Netherlands, Canada, Russia, and some long-distance countries such as Saint Kitts and

⁴⁷ Enforcement of the Regulation on the Amendment of the Regulation on the Implementation of the Turkish Citizenship Law, available at: <https://www.resmigazete.gov.tr/eskiler/2017/01/20170112-24.pdf>, consulted on: 06.04.2021.

⁴⁸ Legyel Te is török Allampolgar, Portfolio, 12.01.2017, Available at: <https://www.portfolio.hu/gazdasag/20170112/legyel-te-is-torok-allampolgar-242488>, Accessed on: 10.12.2021.

Nevis, Antigua and Barbuda, Belize, Djibouti, El Salvador, Eritrea, Ethiopia, Grenada, Union of Comoros, Mauritania, Nicaragua, Tuvalu, Vanuatu.⁴⁹

IV. Hungarian citizenship regime

The citizenship acquisition is not a new concept in Hungary. Back in feudal Hungary, a foreigner could be granted Hungarian citizenship under the title of “nobility” via the ceremonious naturalisation if the person demonstrated excellent services for the nation and the king.⁵⁰ However, the root of the first Hungarian citizenship law goes as back as the Revolution and War of Independence of 1848; although the bill proposed to the Parliament of 1847/48 included the prerequisites for the acquisition and the loss of the citizenship, in the end it was not accepted as law since it was removed from the agenda because of the bourgeois transformation.⁵¹ Until the bourgeois transformation, the concept of citizenship was regulated in the field of private law but later, it became a notion of “the law of the state”.⁵² The first arrangements about the Hungarian citizenship were took place in 1879. While this document mainly regulated how to acquire a Hungarian citizenship; the Act 50 of 1879 drew a framework on how to lose a Hungarian citizenship: there were five following ways namely: dismissal, authority’s decisions, absence, legitimization and marriage.⁵³ These legislations determined the provisions on how the legal bonds could be established and terminated between the individuals and the state.⁵⁴ With the aim of making the system of citizenship clear and transparent, this document-being the first ever legal document on acquisition and loss of citizenship- still remains as a very important legal Act on the Hungarian Citizenship Law.

However, the law had gone through several amendments during the wars. The very first amendment took place as Act 4 of 1886 in order to the re-naturalize the people who were resettling in large numbers. In 1922, right after the First World War, the Trianon Peace Treaty was signed with Hungary and this Treaty brought some consequences. The Act 17 was one of those consequences which were issued in order to settle of the unique status of citizenship. Following this act, in 1939, some serious changes took place with the Act 13 which set a handicap to whom acquired citizenship from another country would automatically lose their Hungarian citizenship.⁵⁵

The post-World War II Hungarian citizenship policy can be divided into five different periods: (a) Post-WW II period of 1945-48: During this period, many Hungarians lost their citizenship within the new borders of adjacent states additionally citizenship was used as a political excuse to exclude. (b) 1948-1956: The children who born out of wedlock were granted civil rights and equal treatment. Also, if undocumented persons resided in Hungary for some period of time, the Act aimed to register them as nationals. (c) 1956-1989: the

⁴⁹ 3 Yılda 7 bin 312 yabancı Türkiye vatandaşı oldu, Sputniknews,22.11.2020, available at: <https://tr.sputniknews.com/turkiye/202011221043269162-3-yilda-7-bin-312-yabanci-turkiye-vatandasi-oldu/>, accessed on: 06.04.2021.

⁵⁰ VARGA, N., The Acquisition and Loss of Citizenship in Feudal Hungary. In: *European Legal Studies and Research*, Vol.2, 2010, p. 858.

⁵¹ VARGA, N., The Framing of the First Hungarian Citizenship Law (ACT 50 of 1879) and the Acquisition of Citizenship. In: *Hungarian Studies*, Vol.18, No.2, 2004, p. 127.

⁵² VARGA, N., The Public law and the private law nature of citizenship. In: *Studii Şi Cercetari Juridice Europene*, Timişoara, 2009a, p. 874.

⁵³ VARGA, N., The Dismissal and the Hungarian Citizenship in accordance with Act 50 of 1879. In: *Studii Şi Cercetari Juridice Europene*, Timişoara, 2009b, p. 880.

⁵⁴ VARGA, N., Short History of the First Hungarian Citizenship Law. In: *Collected Papers*, Novi Sad, 2009c, p.463.

⁵⁵ Ibid.

principle of emancipation of spouses based on the New York Convention (1957) on married women integrated into the third Act on Nationality in 1957. (d) 1989-1993; democratization movement, adopting the rule of law, Constitutional reform and a new Act on nationality were significant steps taken in this epoch. In the new Constitution, the ban of the deprivation of nationality revised. The preferential naturalisation of refugees was also adopted in the nationality law inspiring from the Geneva Convention (1951). (e) 1994-2005; this period is associated with the international engagements, accession to the EU and political discussions related to the Hungarian diaspora living out of Hungarian territory.⁵⁶

Due to these amendments, many changes took place, and these caused acquisition of Hungarian citizenship to be gradually restrictive. However, one feature from the first Act on the Hungarian citizenship kept being very dominant until today: *jus sanguinis* principle.⁵⁷ This means that in Hungarian constitutional history, acquisition of citizenship could be achieved by the right of lineage which gave children the right to have the citizenship of their fathers. In the second half of the 19th century, more than half of the Hungarians were acquired their citizenship in a natural way by kinship as a result of the lineage.⁵⁸

According to the first citizenship law (Act 50 of 1879), Hungarian citizenship could be obtained in 4 different ways: descent, legitimization, naturalization and marriage. There have been some additional ways which later on made it possible to possess the citizenship. The Hungarian citizenship could be acquired directly as *jus sanguinis* or different indirect channels. The ones who have a *jus sanguinis* tie are classified as “native Hungarians” (*Hungari Nativi*), the other ones who acquired the citizenship via legalization, naturalization or marriage are classified as “received or naturalized Hungarians” (*Hungari recepti*).⁵⁹

Currently, there are 7 legal titles of acquisition of Hungarian citizenship, each has their own pre-requisite:

1. *Ius sanguinis* principle is the first way of acquiring a Hungarian citizenship. This means that lineage is the natural way of possessing the Hungarian citizenship. Any person born from a Hungarian mother and possessing a Hungarian father naturally inherits the Hungarian citizenship regardless of the birthplace.⁶⁰ One of the parents should be Hungarian in order to achieve this. If Hungarian man married to a foreigner or vice versa- Hungarian woman married to a foreign man- the child is descended to have a Hungarian citizenship.

2. The Hungarian citizenship law does not provide citizenship on the basis of the territorial principle (*jus soli*).⁶¹ But there are some cases which makes it possible but conditional. There are two cases which can be evaluated under the conditionality: either “the child of a stateless immigrant in possession of a permanent residence permit or an abandoned child of unknown parents”⁶² can be evaluated as a Hungarian citizen unless or until s/he acquires another citizenship from another state e.g., in case his or her identity or nationality comes to light. The time is not limited for this invalidation.⁶³

3. As long as they make a declaration, the individuals who lost their Hungarian citizenship between 1945 and 1990 can reacquire it upon a quick rehabilitation by the President of the State. Another acquisition of citizenship which can be obtainable via

⁵⁶ TOTH, J., Principles and practice of nationality law in Hungary. In: *Regio Minorities, Politics, Society*, Vol. 7, No.1, 2005, pp. 21-23.

⁵⁷ KOVACS, M., M., TOTH, J., Kin State Responsibility and Ethnic Citizenship: The Hungarian Case. In: BAUBÖCK, R.; PERCHINIG, B., SIEVERS, W. (eds.), *Citizenship Policies in the New Europe*, Amsterdam, 2009, p. 136.

⁵⁸ VARGA, N., 2009c, *ibid.*, p.464.

⁵⁹ *Ibid.*

⁶⁰ KOVACS, M.; M., TOTH, J., 2009, *op.cit.*, p.140.

⁶¹ VARGA, N., 2009c, *op.cit.*, p.466.

⁶² KOVACS, M.; M., TOTH, J., 2009, *op.cit.*, pp.140-141.

⁶³ *Ibid.*

declaration is that in case the individual did not get any citizenship by birth as a result of lineage and given the fact that if s/he hold a residence in Hungary by the time s/he was born, s/he has continuous at least 5 years of residence and s/he is not above the age of nineteen. The individuals who were born from a Hungarian citizen mother and a foreign father before 1 October 1957 and could not receive a Hungarian nationality under the principle of jus sanguinis can also make a declaration and obtain the Hungarian citizenship.⁶⁴

4. Any child born out of wedlock whose mother and/or father is a Hungarian citizen, s/he can also acquire a Hungarian citizenship in cases such as: his/her parents claims paternity over him/her, or if there is any legal opinion about paternity/maternity, or if the mother and father get married subsequently (family law legitimization gives the right to become a citizen for the child)⁶⁵

5. In case a Hungarian citizen cancels his/her Hungarian citizenship and cannot acquire another citizenship within a year, upon a demand, s/he can get his/her citizenship back.⁶⁶

6. Foreign nationals can also acquire a Hungarian citizenship under the Naturalization principle. Naturalization depends on several prerequisites and conditions which take a quite long procedure. There are two different ways of naturalization under the Hungarian Citizenship Law: simple naturalization and special naturalization.⁶⁷ Simple naturalization, also known as non-preferential naturalization requires the applicant to have a long-term stay in Hungary with a permanent residence permit for eight years (or EEA citizen's residence permit), to submit a report which proves s/he has no criminal record with no current criminal proceedings, to list the sufficient belongings and a residence in Hungary, to declare a will which is in favour of the national interest of the state, and to pass the Hungarian Constitutional examination.⁶⁸ The special naturalization, in other words, the preferential naturalization has also some requirements to be met: if the applicant was born in Hungary, or acquired the residence in Hungary before reaching the legal age or is stateless, the obligatory permanent residence year is diminished to five years; in case there is a marriage link with a Hungarian citizen which has been lasting for three years, or if there is a minor child from this marriage, or 'if the applicant has been adopted by a Hungarian citizen or is an officially recognized refugee', the permanent residence permit is required as minimum three years; however, only in the case of the applicant has Hungarian national ascendants or s/he proves to have Hungarian ethnicity, then the applicant does not have to provide a permanent residence permit but still a residence permit ownership.⁶⁹

7. In order to obtain a citizenship under the re-naturalization principle, individuals should possess the following preconditions: 'a permanent residence permit of the applicant whose nationality has ceased, a clean criminal record and no current criminal proceedings, proven means of stable livelihood and residence in Hungary, and the assurance that his or her naturalization does not violate Hungarian national interests'.⁷⁰

Acquiring a Hungarian citizenship via the facilitated (preferential) naturalisation procedure has many advantages for the applicants. Once a person gains a right to hold a Hungarian citizenship, it means that s/he has a key which opens the doors of the EU citizenship along with the EU passport and the right of free movement. Therefore, nowadays there is an increasing demand on the application for a Hungarian citizenship, especially from the Hungarian diaspora in neighbouring non-EU countries.⁷¹ Facilitated accession to the

⁶⁴ Ibid.

⁶⁵ VARGA, N., 2009c, op.cit., p. 473.

⁶⁶ KOVACS, M.; M., TOTH, J. 2009, op.cit, pp.140-141.

⁶⁷ VARGA, N., 2009c, op.cit., p.467.

⁶⁸ KOVACS, M., M.; TOTH, J., 2009, op.cit, p.140.

⁶⁹ Ibid., p.141.

⁷⁰ Ibid.

⁷¹ TOTH, J., *The curious case of Hungary: why the naturalisation rate does not always Show how inclusive a*

Hungarian citizenship for the ethnic Hungarians and former nationals confirms that the Hungarian citizenship law maintains a strong ethnic orientation.⁷²

V. Comparison: Increasing Convergence

Comparing migration and citizenship data from the two countries, many differences can be addressed. However, the regulations and their impact, the historical and geographical distance between them do not seem to be as significant as if the two ethnic-based citizenship regulations converge. In this analysis, there are more similarities than differences between the two citizenship regimes, as they share the following feature:

a.) prior to citizenship, a residence permit must be obtained, residence in the country for at least 5 years in Turkey, and 3-8 years for the Hungarian one in case of traditional naturalization;

b.) language skills test is fixed in both countries, because if you don't know Turkish/Hungarian, you can't manage;

c.) the regulations require that the applicant for naturalisation must be in good health (medical commission), but at least have some form of health insurance (in Hungary this is included in the security of livelihood requirements);

d.) the regulation also requires that the applicant be self-sustaining and owner/investor/ have sufficient financial resources and quasi-economic utility for the host state, but at least demographic utility, i.e. the applicant must be married;

e.) documentation of all, i.e. these facts shall be proved with the appropriate, necessary documents;

f.) tolerate dual/multiple citizenship, although ethnic/origin exclusivity is also required, indicating an incoherence in the rules (ethnic preference versus utilitarianism).

Where the Hungarian regulation differs is that there is no need to move to Hungary if the applicant has a Hungarian ethnicity or (deceased) ascendant of Hungarian citizenship, and it does not grant Hungarian citizenship directly to investors, only a visa and a residence permit (e.g. for those buying investment bonds⁷³, although this programme has just been suspended), which can only be converted into citizenship in the next step. But this is a technical difference, not a difference of principle.

country is, Globalcit, 2018, available at: https://globalcit.eu/the-curious-case-of-hungary-why-the-naturalisation-rate-does-not-always-show-how-inclusive-a-country-is/#_edn1, accessed on: 28.01.2021.

⁷² TOTH, J., Ethnic Citizenship – Can it be obtained and tested?. In: OERS, R.; ERSBOLL, E.; KOSTAKOPOULOU, D. (Eds), *Immigration and Asylum Law and Policy in Europe, A Re-definition of Belonging? Language and Integration Tests in Europe*, Leiden, 2010, p.214.

⁷³ Fast-Track Immigration To Europe: Hungary, Helpers Hungary KFT, Business Immigration Services, Available at: https://helpers.hu/wp-content/uploads/2017/01/Hungarian-Residency-Bond-Program_2017.pdf, Accessed on: 12.12.2021 and WIEDEMANN, T., 59 országból jött Magyarországra a huszezer letelepedési kötvényes, G7, 16.01.2019, Available at: <https://g7.hu/kozelet/20190116/59-orzagbol-jott-magyarorszagra-a-huszezer-letelepedesi-kotvenyes/>, Accessed on:12.12.2021.