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Legal Disadvantages of the Turkish minority in Germany

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Citizenship Laws

Except in the case of extremely justifiable exceptional circumstances, Turkish immigrants living in Germany are not eligible for dual citizenship, while other immigrants living in Germany are. According to Paragraph 10, Turkish residents of Germany may only apply for German citizenship if they give up their Turkish citizenship. However, the rule does not apply to EU citizens as well as citizens of Switzerland.

The issue of dual citizenship for Turks has caused a stir in society and among political parties. Conservative circles in particular display opposition and sometimes even insulting attitudes. The fact that other immigrants have dual citizenship has not caused a stir or criticism; on the contrary, it enjoys widespread acceptance. For example, the CDU and the CSU, both governing parties in Germany, are vehemently against dual citizenship for Turkish immigrants, but support it for other immigrants. Many CDU politicians, such as the governor of the federal state of Lower Saxony, as well as many other German politicians from other parties, have dual citizenship themselves.

We need to ask ourselves the following questions: How is it possible that many immigrants living in Germany – including immigrants from non-EU countries – are eligible for dual citizenship while Turkish immigrants are not? Why does the issue of dual citizenship for Turkish immigrants cause such a stir and so much opposition? Why should Turkish immigrants be required to give up their citizenships when there are even German politicians who have dual citizenships?

Turkish immigrants have been living in Germany for half a century, and they have many ties to both countries. Some of the Turkish immigrants living in Germany have had to face serious legal disadvantages as a result of keeping their Turkish citizenship. On the other

hand, giving up Turkish citizenship for German citizenship leads to legal disadvantages in Turkey. The fact that Turkish immigrants are not eligible for dual citizenship also makes it difficult for them to participate in the democratic process in Germany. Many Turks in Germany are not eligible to vote. They are also not eligible to apply for many positions, and their possibilities for political involvement are very limited. This is reflected in the number of seats in the government that are held by Turks. There are only 5 representatives of Turkish descent among 622 representatives in the German Parliament. This corresponds to a share of approx. 0.8%.

Local elections law

The local elections law forms a special barrier to realizing democratic rights. Of 15 EU countries, 10 European countries grant non-EU foreigners a passive right to vote. Of these, 5 countries grant them an active right to vote. While Germany and France, as founding EU nations, have the highest share of immigrants among their total populations, they connect citizenship to the local elections law. Thus, they deny non-EU foreigners the right to vote. The result is an exclusion from basic democratic rights and thus a loss in the quality of democracy.

The Turkish minority that has been residing for almost 50 years in Germany and all other non-EU and EU foreigners should be granted the right to vote in local elections. This is the only way they will be able to realize their basic democratic rights which at the same time would be an increase in the quality of democracy. By influencing political decisions they would then be able to finally secure the solution to long-standing migrant issues.

Immigration Act

Article 6, Section 1 of the German Constitution places marriage and family under the special protection of state authority. Yet the Immigration Act passed in July 2007 makes it more difficult for families to immigrate. It is discriminatory that these tighter regulations apply to Turks but not to other foreigners (for example, Americans, Israelis, Koreans, Australians, Japanese, or EU-foreigners). In this manner, families are torn apart and children are raised by single parents which often leads to marked psychological burdens for those who are affected. Often the result is an undesired separation of married couples. Thus, these rules in the Immigration Act are unconstitutional and also contravene Article 16 of the UN Human Rights Charter.