

Administrative divorces in a foreign country as an alternative to court proceedings might be entitled to full faith & credit and recorded in Turkish Civil Registry:

Administrative divorces in a foreign country as an alternative to court proceedings might be entitled to full faith and credit if both spouses apply together to the authorized agency/committee and fulfill the other required conditions under the Presidential Decree/690 Article 4 and its ordinance.

The parties seeking the recognition of a foreign divorce or annulment of a marriage decree (“foreign decree”) and being recorded it in the civil registry without filing a recognition case in Turkish courts are required to submit an application together. Please note that, if one of the parties dies before applying this process, then her/his beneficiary might apply with the surviving spouse. This might be important because under Turkish inheritance law, the marriage might be accepted to be ended by the death according to the Turkish state records and as a result the spouse might have rights on the decedent’s estate.

The application also requires attachments, such as:

- I. The foreign decree but which should not be from a *defective jurisdiction*, Meaning the foreign administrative authority or the court should not have lacked procedural or subject matter jurisdiction over the parties,
 - II. The foreign decree’s Turkish translation with Apostilles or certified in the state of origin as well as a confirmation that the foreign decree is final,
 - III. The parties’ identity cards’ or passports’ copies,
- If one of the parties is a foreign citizen, then certified Turkish translation of her/his identity card or passport are required to be submitted.

Please also note that, in order for the authorized agency/committee to approve the application, there should not be any proceeding, having the same object, pending between the same parties before a Turkish court. Moreover, the foreign decree should not be contrary to Turkish public policy.

The Presidential Decree/690 Article 4 does not only provide that foreign administrative divorces and court judgments be afforded comity and recorded in the civil registry but also opens an alternative window to Turkey’s Private International and Procedural Law (Act no. 5718) Article 58 which requires filing a recognition case in Turkish court whenever a decree was granted by a foreign court.

