

Immigration Law:
Residence and Work Permits for
Foreigners in Turkey



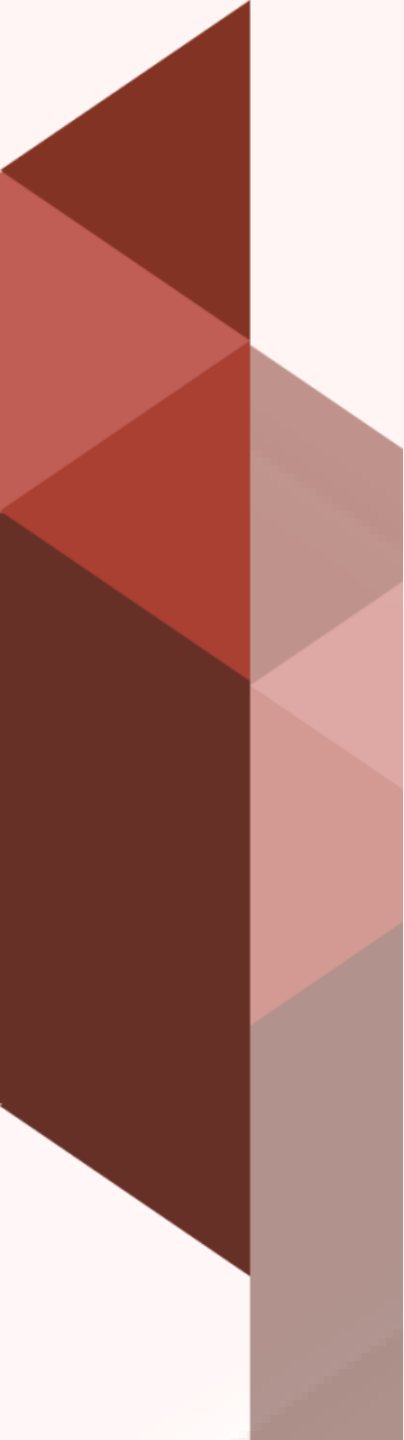
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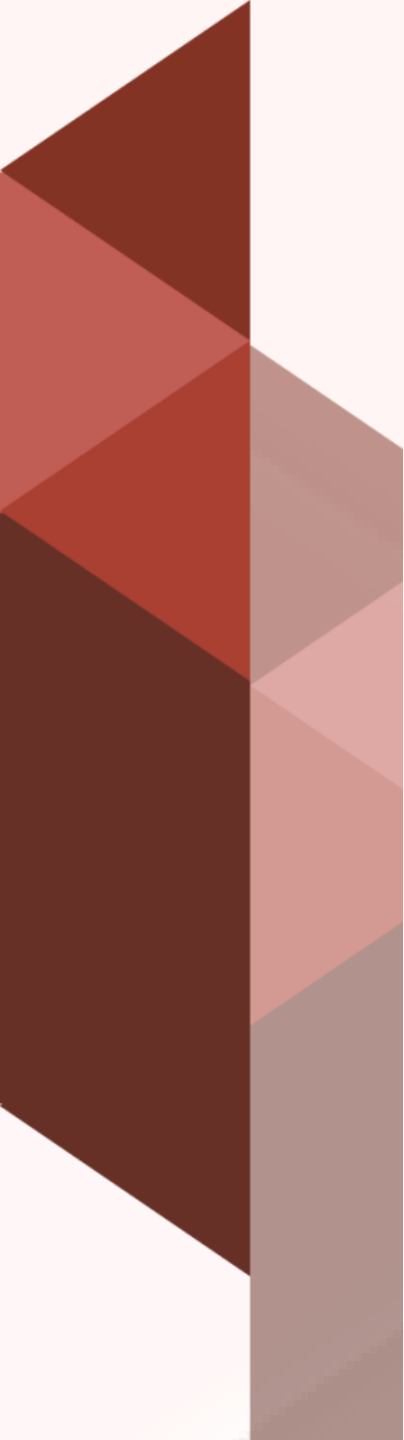
LAW FIRM

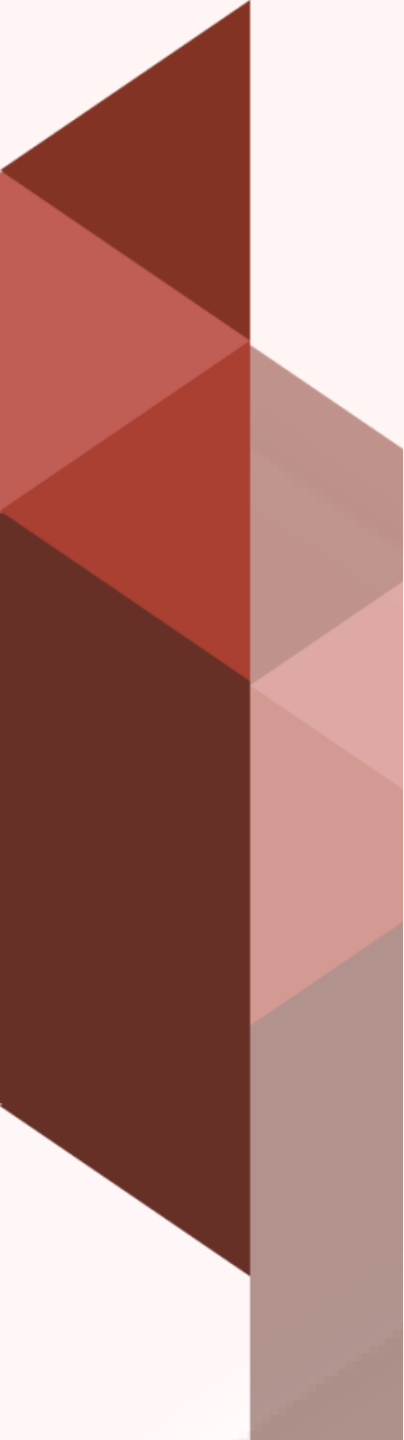
INTRODUCTION

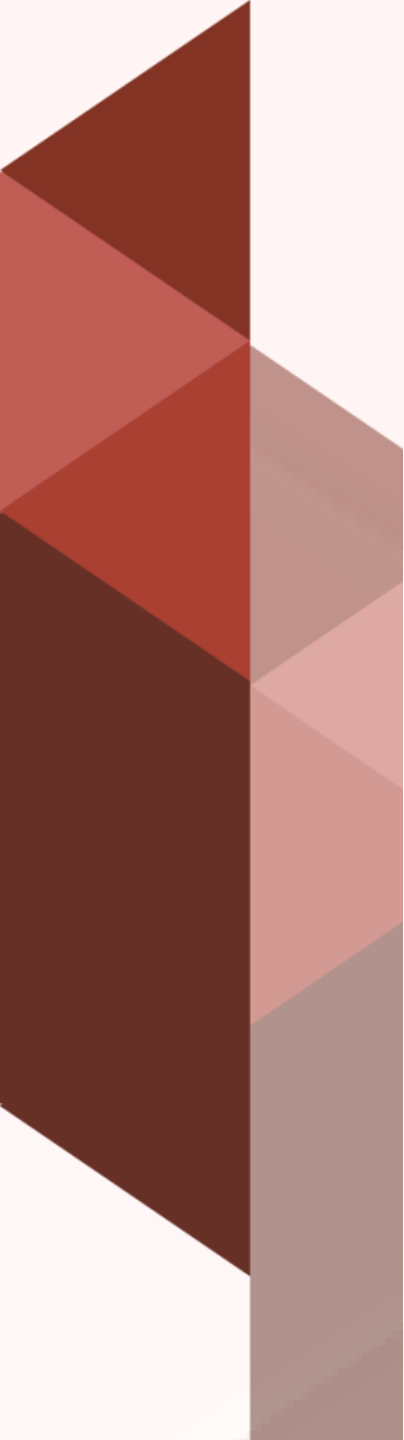
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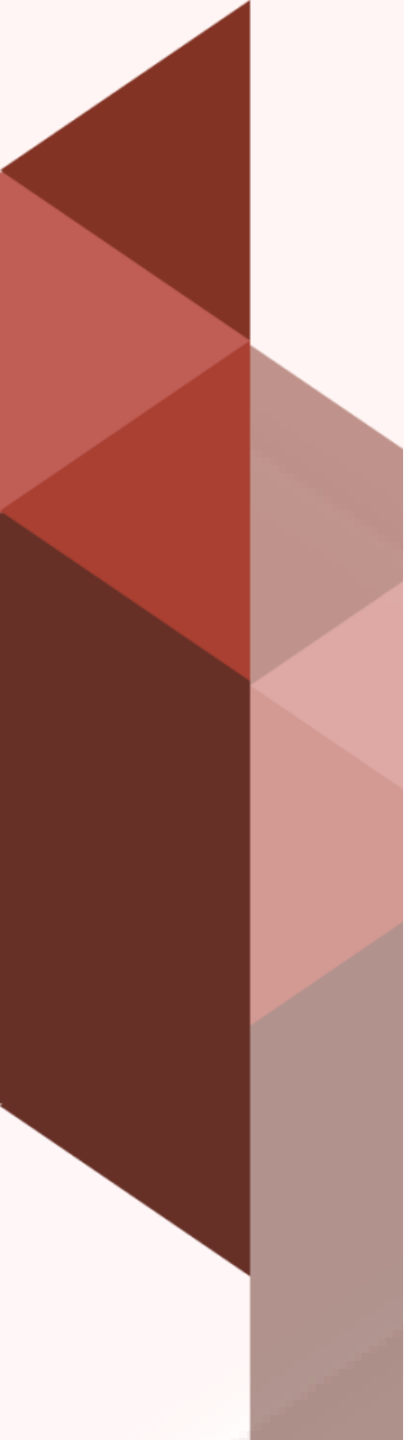
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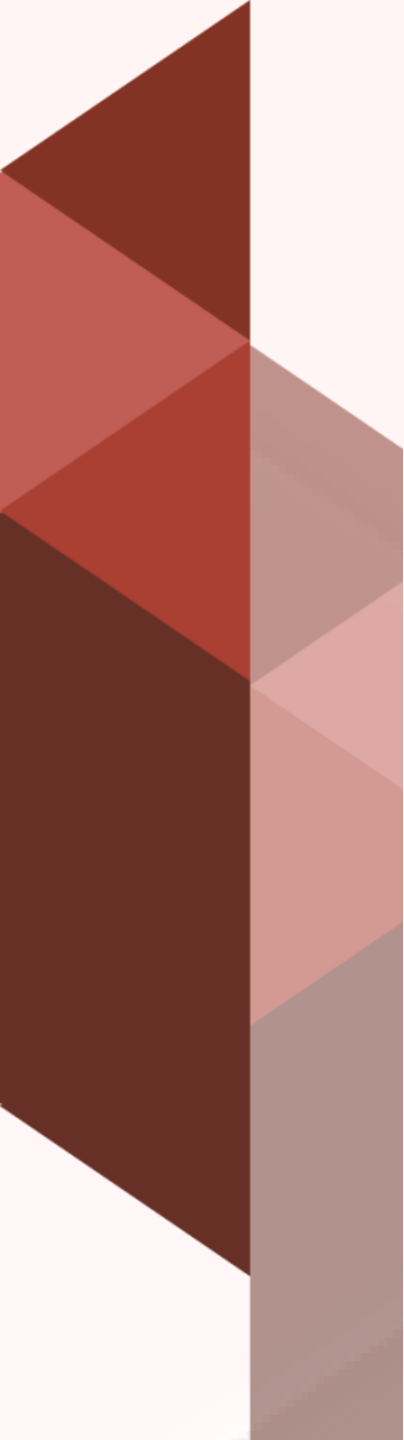
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- The Law regarding Foreigners and International Protection (Law No:6458) has been published on the Official Gazette dated April 11, 2013 and numbered 28615. The purpose of the law is to regulate the principles and procedures regarding the residence permits to be granted to the foreigners, visa requirements and the scope and implementation of the protection to be provided to foreigners who seek protection from Turkey.
 - As per Article 11 of the Law regarding Foreigners and International Protection, foreigners intending to stay in Turkey up to 90 days shall obtain a visa stating the purpose of the stay. Such visa shall be issued by the consulates of the Republic of Turkey in their country or legal residence. The period of stay in Turkey provided by the visa or visa exemption shall not exceed 90 days within each period of 180 days.

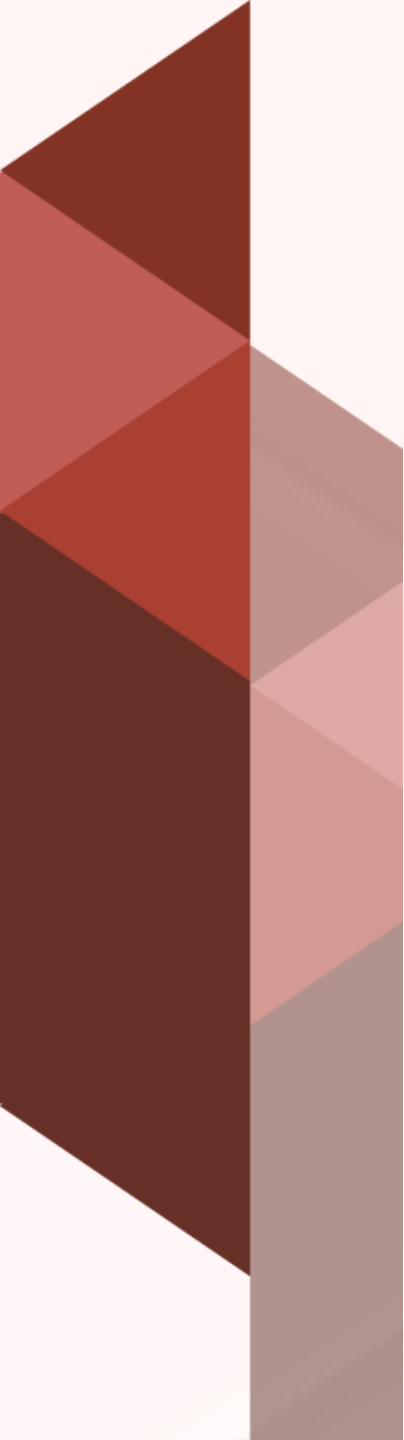
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- Moreover, further to Article 19 of the Law regarding Foreigners and International Protection, foreigners who intend to stay in Turkey beyond the visa or visa exemption period or more than 90 days are obliged to obtain a residence permit to stay in Turkey. The residence permit shall become invalid if it is not used for the period of 6 months.
 - Therefore, in case a foreigner intends to stay in Turkey more than 90 days within a period of 180 days, such foreigner is required to obtain a residence permit from the competent authority in Turkey. Otherwise, administrative fines and other sanctions stipulated under the Law regarding Foreigners and International Protection will be in question depending on the conditions of each violation.

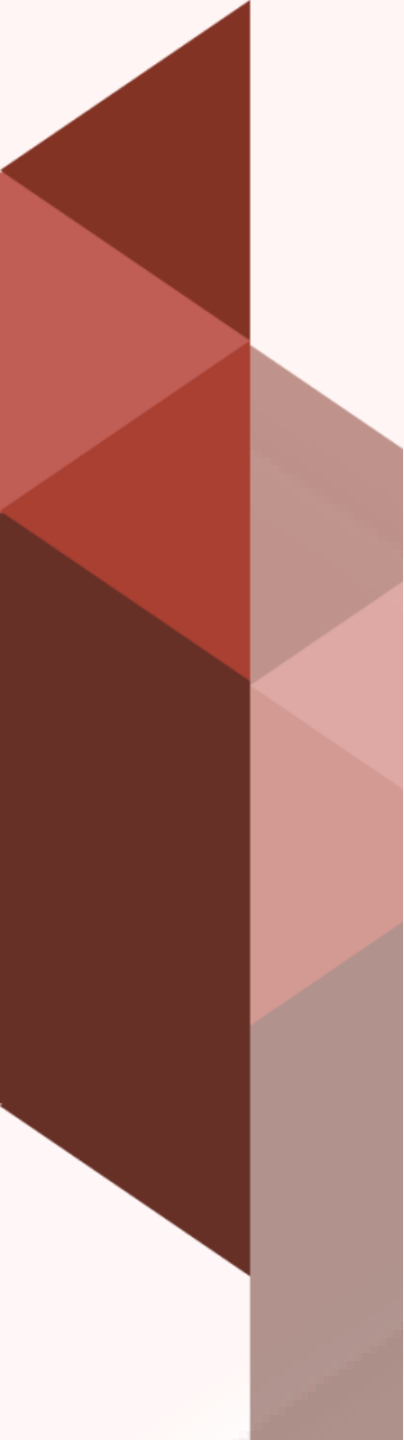
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- Residence permit applications shall be made to the consulates of the Republic of Turkey in the country of nationality or legal residence of the foreigner. The evaluation of the relevant residence permit application shall be concluded no later than 90 days.
 - On the other hand, certain types of residence permit applications listed under the Law regarding Foreigners and International Protection may be filed within Turkey such as long term residence permits and student residence permits.

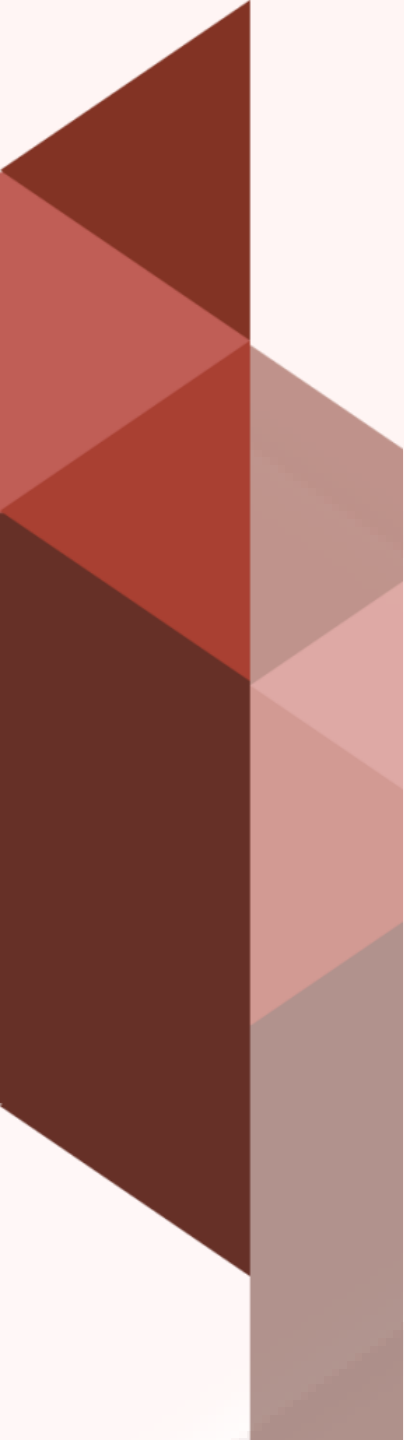
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- With respect to the residence permit applications to be made in Turkey, an online appointment shall be taken by the foreigner in order to apply to the authorized foreigners department of the Police Headquarters. Accordingly, the application shall be evaluated once the required documents are fully submitted to the relevant foreigners department.
 - Kindly note that further to the Law regarding Foreigners and International Protection, governorates are authorized to refuse the residence permit applications filed in Turkey. However, currently in practice the General Directorate of Immigration Management evaluates the applications. Refusal, non-renewal or cancellation of the application shall be notified to the foreigner or his/her legal representative.

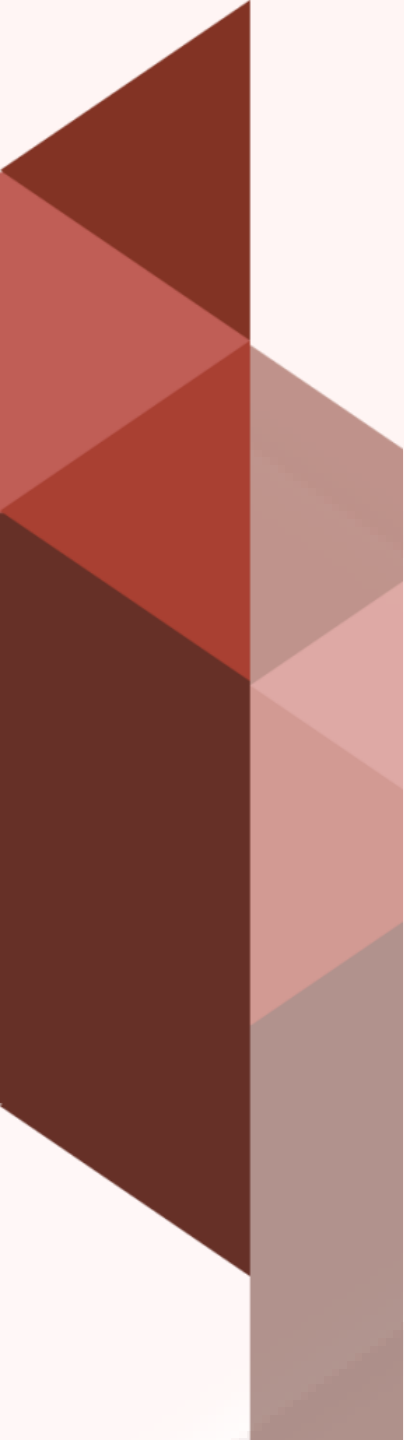
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- As per Article 27 of the Law regarding Foreigners and International Protection, a valid work permit as well as Work Permit Exemption Confirmation Document shall be considered as a legal residence permit.
 - The principles and procedures regarding the work permits of the foreigners are regulated under the International Labour Force (Law no: 6735) (the “Law”) which is published on the Official Gazette dated August 13, 2016 and numbered 29800. This Law has abolished the Law Regarding Work Permits of the Foreigners (Law no: 4817). Although, the principles and procedures regarding the work permits in Turkey are changed in 2016, such changes do not restructure the work permit procedures.

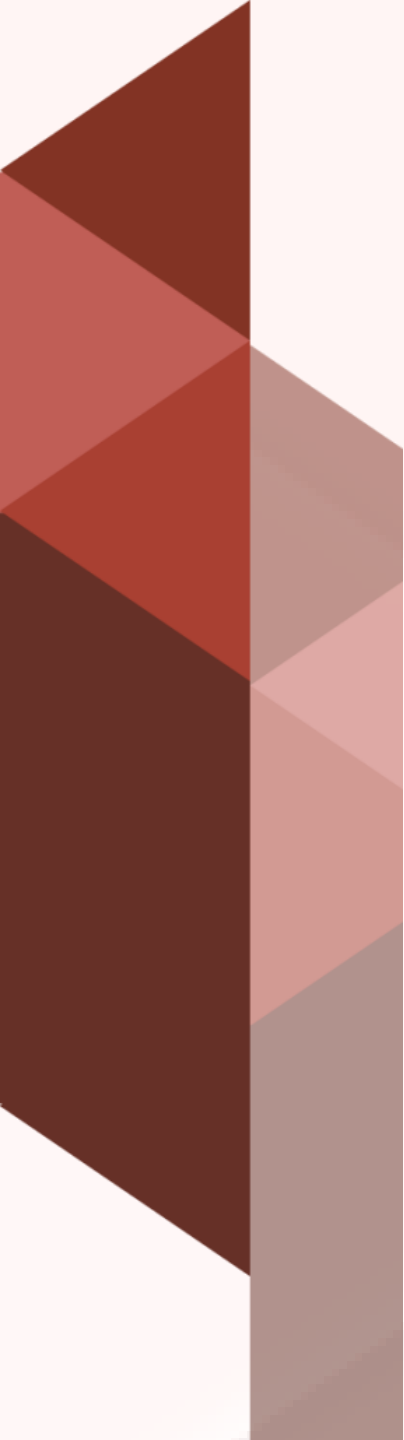
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- This Law covers real or legal entities who employ foreigners and also foreigners who work or applies to work in Turkey, who receive or apply to receive vocational training from an employer in Turkey, who want to work as a trainee and lastly who provide temporary services in Turkey. Work permit exemptions are also covered by this Law.
 - Further to Article 4 of the Law, the Ministry of Labour and Social Security (the “Ministry”) is authorized to determine a policy in relation to the international work force by considering the decisions of the International Labour Policy Advisory Board.

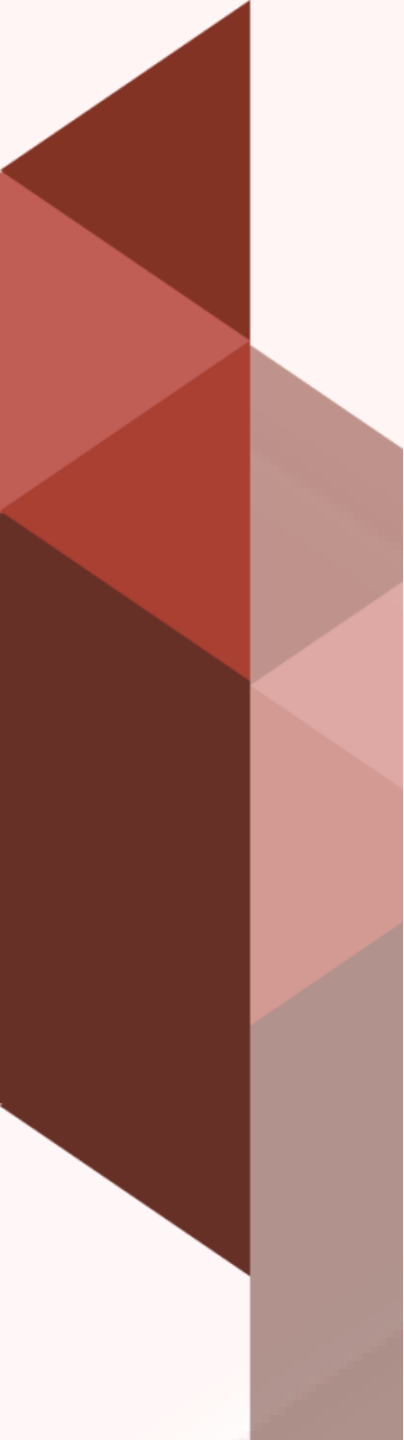
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- International labour policy shall be determined by considering certain conditions such as developments in employment, variations in the sectoral and economic conditions, development plans, economic, social and cultural relations with the country of nationality of the relevant foreigner and reasons of demand for the employment of a foreigner instead of a Turkish citizen.
 - Work permit applications may be submitted directly to the Ministry or to the Turkish diplomatic representatives of Turkey in the foreigner's country of origin or country of legal permanent residence. Work permit applications may also be submitted by the authorized intermediary firm.

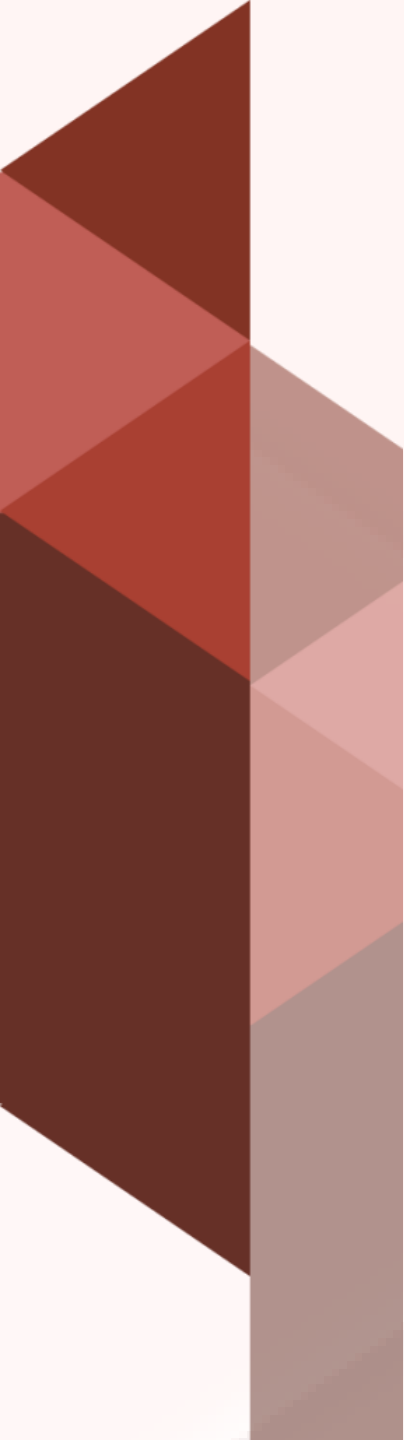
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- Work permit applications in Turkey shall be made electronically and the required documents such as the application form shall be uploaded to the network of the Ministry. Once the electronic application is completed, the hard copies of the required documents shall be submitted to the Ministry within 6 business days following the electronic application date.
 - Applications regarding the renewal of work permits can be made within 60 days before the expiration date of the work permit. Any renewal applications submitted after the expiration date shall be rejected.

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- If the Ministry ascertains any outstanding document, the application shall be postponed and such postponement shall not exceed 30 days except the force majeure. If the outstanding documents are not provided within the postponement period shall be rejected. The Ministry shall conclude the work permit applications in due form within 30 (thirty) days as of the date of the application, provided that all the application documents are complete.
 - As per Article 8 of the Law, foreigners who will work in health and education services that requires professional competency shall obtain a preliminary permit.

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- There are certain types of work permits are regulated under the Law: (i) definite term work permits, (ii) indefinite term work permits and (iii) independent type of work permits.
 - Work permit for a definite period shall be valid for one year at the most. During the evaluation, the Ministry shall consider the duration of residence permit and the employment contract in addition to the situation of the market, developments in the labour sector, sectorial and economic conjuncture changes.
 - Moreover, the work permit may be renewed for maximum two years in the first renewal application and for maximum three years in the following renewal applications.

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- Foreigners who have obtained long term residence permit or who have legally worked for eight years in total may apply for work permit with indefinite term.
 - Independent type of work permits applications are evaluated within the scope of international labour policy by considering certain conditions such as foreigner's education level, occupational experience, contribution in science and technology, the impact of foreigner's operations in Turkey or investment on the national economy and employment.

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- Additionally, a) managers of the limited companies who also have the shareholder status, b) board members of the joint stock companies who also have the shareholder status, c) manager shareholders of the commandite companies, may work by obtaining work permit.
 - In addition to above, a Turquoise Card is provided to the foreigners whose applications are approved in accordance with the recommendations of the International Labour Policy Advisory Board and the procedures and principles determined by the Ministry by considering foreigner's education level, occupational experience, contribution in science and technology, the impact of foreigner's operations in Turkey or investment on the national economy and employment.

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- Residence permit does not grant right to work in Turkey. On the other hand, work permits are also considered as residence permits.
 - Lastly, work permit exemptions, exceptions for work permit applications, foreigners who are included in the scope of international protection and foreign students are also specifically stipulated under the Law.
 - New regulations specifying certain provisions are expected to be issued in the near future.

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