

WORK PERMIT AND RESIDENCE PERMIT REQUIREMENTS IN TURKEY

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All foreigners intending to work in Turkey are required to obtain a Work Permit prior to begin their employment in Turkey. It is illegal for an employer to recruit a foreign worker who does not possess a work permit.

There are two different ways to obtain a work permit depending on the foreign workers' residency in Turkey;

- Foreigners who hold a valid Residence Permit (such as tourism, medical treatment, sports activity etc. and valid for a minimum of 6 months), excluding the residence permits issued for students, are eligible to directly apply to the Ministry of Work and Social Security for their Work Permits.
- In case the foreigner does not have a valid Residence Permit, he should apply to the relevant Turkish Consulate of either his country of residence or his country of citizenship.

■ Work Permit Application from Turkey

Foreigners with a valid residence permit that is valid for a minimum of 6 months, except for residence permits for educational purposes, can apply directly to the Ministry of Labor and Social Security.

The residence permit can be obtained from the local Police Department. An appointment will be made in advance from the Alien's Branch in the local Police Department and required documents will be submitted in the appointment. Following the issuance of the residence permit, required documents should be submitted and the below explained procedure should be followed to obtain work permit.

Foreign employee and employer in Turkey shall make an online application to the Ministry of Labor and Social Security along with the necessary documents (*listed and explained below under the relevant title*). The documents to be submitted by employee and employer are different. All documents should be delivered to the Ministry of Labor and Social Security within 6 days following the online application.

The Ministry of Labor and Social Security will examine the documents and application within the scope of Law on the Work Permits of Foreigners numbered 4817, enforcement regulation and other relevant legislation. The result of the application will be notified both online and written form.

The foreign individual should apply for a residence permit for working purposes within 30 days following the date he received his work permit.

■ Work Permit Application Outside from Turkey

Foreign individuals who do not have a valid residence permit can apply for a work permit from their country of residence or their country of citizenship. However, this application should be made to the relevant Turkish Consulate of either foreigner's country of residence or his country of citizenship (along with passport, work visa application, 1 photo, 1 copy of the work contract).

Employer should make an online application to the Turkish Ministry of Labor and Social Security within 6 days (*10 days for direct application*) following the foreigner's application to the Consulate (*all documents both for foreign individual and employer are stated below under the relevant title*).

If all documents submitted are accurate and complete, the issuing process will take around 30 days. Once approved, the applicant is informed by phone or e-mail. Once the work permit has been issued and the work visa application has been approved by the Ministry of Labor and Social Security:

Work visa and work permit holder foreign individual must apply to the Alien's Branch of the Local Police Department within 30 days following their arrival in Turkey.

The Work Permit procedure requires an expense in amount to USD 390,00 and the Residence Permit procedure requires USD 250,00 per each applicant including taxes and charges to be paid to the Ministry and Police Department.

Please be advised that the Ministry of Social Security may reject the application based on any subjective reasons as stated at the article 14/a of the Work Permits of Foreigners numbered 4817.

Legal conditions for work of foreign workers (individual legal forms) in Turkey. Statutory restrictions on employment of foreign workers / Qualifications or other requirements on the expertise of individual foreign workers, or other restrictions such as age, physical fitness, education, etc.

The same legal conditions apply to all individual legal forms. The restrictions and requirements for foreign workers are as follows;

1. At the workplace for which work permit is requested, at least five persons who are citizens of the Republic of Turkey must be employed. In case the foreigner requesting work permit is a co-partner of the company, aforementioned condition related to the employment of five persons who are Turkish citizens will be required for the last six months of one-year work permit to be granted by the Ministry. In case of requesting work permit for more than one foreigner at the

same workplace, for each foreigner following the first foreigner who is granted a work permit, the condition regarding the employment of five persons who are Turkish citizens will be required individually.

2. Paid-in capital of the workplace must be at least TRY 100,000.- or the lowest figure for its gross sales amount must be equal to TRY 800,000.- or its export amount in the last year must be at least USD 250,000.-
3. For work permit requests concerning foreigners to be employed by associations and foundations, Article 2 above, and for evaluations regarding work permit applications related to foreigners to be employed in representative agencies of foreign countries' airlines in Turkey as well as those to work in education sector and home services sector Articles 1 and 2 above will not be applied.
4. Foreigner requesting work permit who is a co-partner of the company must own at least 20% shares in the company, and this percentage shall correspond to at least TRY 40,000.- as an obligation.
5. Salary amount, which is declared by the employer to be paid to the foreigner, must be at a level that complies with the position and competence of the foreigner. Accordingly, considering the minimum wage amount effective as of the application date, wage to be paid to a foreigner must be equal at least to the following:
 - 6.5 times the minimum wage amount, for senior executives and pilots as well as engineers and architects requesting preliminary permit
 - 4 times the minimum wage amount, for unit or branch manager as well as engineers and architects
 - 3 times the minimum wage amount, for persons to be employed for jobs requiring expertise and proficiency as well as teachers
 - 1.5 times the minimum wage amount, for persons to be employed for home services and other occupations.
6. Requests for persons to be employed as masseurs, masseuses and SPA therapists, occupations requiring expertise and proficiency, by tourism establishments with at least four stars licensed by the Ministry of Culture and Tourism proving that there is a licensed massage parlor within their facilities, as well as licensed holiday resorts will be evaluated, while requests by establishments and workplaces which are not meeting these criteria will not be considered appropriate.

7. For foreigners to be employed by firms operating in the entertainment sector as well as tourism-animation organization firms for occupations requiring expertise and proficiency there will not be a separate quota application provided that at least 10 persons who are citizens of the Republic of

A list of documents that are necessary for legal employment of foreign workers (from their country of origin) to obtain a residence permit, work visa or work permit, competence or other authorization necessary according to Turkish law and from the side of the employee and the employer.

a. Documents Required to Obtain Residence Permit

- For long-term residence in Turkey, the applicant should submit the following documents to the local Police Department:
 - 4 passport-size photos
 - Passport
 - Photocopies of the following pages of the passport: the page bearing the applicant's photo, the page stamped at the last entry, the page indicating the validity and expiry dates of the passport
 - A bank statement or a currency exchange slip testifying to an asset in the amount of USD 300 for each month
- Documents required applying for a residence permit for work purposes:
 - 4 passport-size photos
 - Passport
 - Photocopies of the following pages of the passport: the page bearing the applicant's photo, the page stamped at the last entry, the page indicating the validity and expiry dates of the passport
 - The original and a copy of the work permit issued by the Ministry of Labor and Social Security

b. Required documents to obtain Work Permit

- Documents to be submitted by the employer for the first application
 - A work permit application form addressed to the Ministry of Labor and Social Security, (*scanned and sent online during electronic application; printed when directly applying to the Ministry*)
 - A balance sheet and a profit & loss statement for the past year certified by tax authorities (*scanned and sent online during electronic application*)
 - The Turkish Trade Registry Gazette indicating the most recent capital and shareholding structure of the organization (*scanned and sent online during electronic application*)

- When applying online, a notarized power of attorney for the authorized person and the employee's work contract with the applicant company (*scanned and sent online during electronic application*)
- As for corporate bodies that intend to employ foreign experts in the fields of engineering, construction, contractorship and consultancy services, payslips of Turkish citizens working in the same positions and the contract between the foreign expert and the employer (*scanned and sent online during electronic application*)
- Documents to be submitted by foreign individuals applying for the first time

In addition to the documents above, foreigners applying for a work permit as experts in specific fields have to present the following documents:

- Foreign Degree Equivalency for applicants that received their higher education outside Turkey, in accordance with the Regulations for Equivalency of Degrees Obtained Abroad, pursuant to the articles 3 and 7/p of the Law No. 2547 (*scanned and sent online during electronic application*)
- If deemed necessary for the Ministry, a translated and notarized copy of the degree or provisional certificate of graduation; for pilots, pilot's license taken from their country of origin (*scanned and sent online during electronic application; also printed for application file*)
- For Certified Tourism Enterprises, copies of the work contract in Turkish and applicant's native language along with the Letter of Recommendation translated into Turkish (*scanned and sent online during electronic application; printed for direct application*)
- For foreigners to be employed in educational services subject to the authority of the Ministry of National Education, the Certificate of Proficiency obtained from the same Ministry. (*scanned and sent online during electronic application*)

Time for processing of individual visas and work authorization for legal residence and employment of foreign employees. The period of validity of the permits and the cost of settlement or extension (if possible).

- The applications made in accordance with the laws and regulations are generally concluded within 30 days by the Ministry of Labor and Social Security provided that all the documents are whole and complete. In the event that the application is made outside from Turkey the result of the work permit application is also forwarded to the Ministry of Foreign Affairs with the purpose of informing the relevant Turkish mission. The work permit applications for the "key personnel" in

foreign direct investments, which are considered as significantly important investments are concluded in 15 days provided that all the documents are whole and complete.

- The foreign individual has the right to object to the Ministry of Labour and Security's decision within 30 days following the date of notification. In the event the Ministry rejects the objection it is possible to file a law suit against the Ministry's decision.
- The work permit may be issued for a maximum period of 1 year (depending on the work contract's term and economic conditions) providing that there are no contrary articles in bilateral or unilateral treaties. The work permit may be extended for a period of 2 years provided that the foreign employee continues to work in the same working place or in the same enterprise and profession. At the end of the 3 years total working period, the working permit may be extended for 3 years and foreign employee can work with any employee he wants.
- The foreign individual may also obtain an indefinite term work permit providing that he has completed 8 years of legal and uninterrupted working time in Turkey.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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