

Foreigner's Guide to Residence and Work Permits in Turkey

*by Göktuğ Can Burul, LL.M, Esq.**

This short article is intended to provide brief and general information with regard to residence and work permit applications for foreigners in Turkey.

I. Regulations:

Principles and procedures regarding the residence permits and visa requirements are regulated under the Law on Foreigners and International Protection ("**Foreigners Law**"). This law also covers the scope and application of the protection for the foreigners seeking such protection from Turkey. On the other hand, the procedures regarding the work permit applications are regulated under the International Labor Force Law ("**Work Permit Law**") which has been enacted in 2016.

II. Visa Requirements:

Foreigners Law stipulates that the foreigners who intend to stay in Turkey up to ninety (90) days are required to obtain a visa, stating the purpose of their visit, from the Turkish consulates in the foreigner's country of nationality or residence. There are certain visa exceptions granted through the bilateral agreements and/or by the decree of council of ministers. The law also provides that the holders of a valid residence or work permit are exempt from the visa requirement.

**Göktuğ Can Burul, LL.M, Esq, is one of the founding partners of Burul Karan Atakan Attorneys at Law. He holds two LL.M degrees, one from Georgetown University Law Center in Washington D.C, U.S.A. and is admitted to New York State Bar as well as Istanbul Bar. His practice focuses mainly on litigation, contracts, anti-trust, and real estate law. He is continuing his Ph.D. studies in private law at Istanbul Commerce University.*

III. Residence Permits:

The foreigners who intend to stay in Turkey more than ninety (90) days are required to obtain a residence permit. It should be noted that the residence permit will become invalid unless it is used within six (6) months from the issuance. There are also certain exemptions provided for the requirement of obtaining a residence permit.

The types of the residence permits listed under the Foreigners Law are i) short-term residence permits, ii) family residence permits, iii) student residence permits, iv) long-term residence permits, v) humanitarian residence permits, and lastly vi) residence permits for the sufferers of human trafficking. The Foreigners Law stipulates different qualification standards for each type of the residence permit.

The applications for the residence permit are submitted to the consulates in the foreigner's country of nationality or residence. Pursuant to the Foreigners Law, the applications for the residence permit shall be concluded within ninety days of application. Nevertheless, the authorities are entitled to delay the evaluation of the application until the missing documents, if any, are completed.

Even though, in principle, the residence permit applications must be submitted to Turkish consulates in the foreigner's country of nationality or residence, certain residence permit application may be made in Turkey. Accordingly, foreigners who are applying for student residence permits, long-term residence permits, humanitarian residence permits and residence permits for the sufferers of human trafficking may submit their applications in Turkey.

The applications for the renewal of the residence permits must be made prior to sixty (60) days of its expiration.

Foreigners Law also regulates that the work permits or the documents regarding the confirmation of exemptions will be deemed as residence permits and the foreigners will be charged for residency as well for the time of work permit.

IV. Work Permits:

As stated above, the procedures and principles regarding the work permits are regulated under the International Labor Force Law, which has entered into force in 2016, abolishing the Law on the Work Permits of Foreigners. The Work Permit Law also covers the principles in determining a policy regarding international labor force. This policy shall be taken into consideration in the evaluation of work permit applications.

Foreigners can submit their work permit applications personally as well as through authorized intermediary organizations. The applications may be made directly to the Ministry of Labor and Social Security or the consulates located in the foreigner's country of nationality or residence. The applications will be evaluated and concluded within thirty (30) days from the application date as long as all the necessary documents and information are submitted.

The Work Permit Law stipulates that the foreigners who will work in health and education services must obtain a preliminary permit as these sectors require professional competence. This preliminary permit is also required for the renewal of work permits.

The types of work permits are listed in the Work Permit Law as i) work permits for definite period, ii) work permits for indefinite period and iii) other types of work permits.

A work permit for a definite period will be granted for only one (1) year at most, provided that the length of the work permit does not exceed the time of the foreigner's employment contract. In case of a renewal, the work permit may be granted for two (2) years at most for the first renewal application and for three (3) years at most for the following renewal applications. It

must be noted that the work permit applications for the works under different employers will not be considered as renewal applications.

The work permits for indefinite period may be granted to the foreigners who holds a long-term residence permits or obtained work permits for at least eight (8) years. The application for a work permit for indefinite period may still be refused even though the foreigner meets these requirements.

Other types of work permits consist of the work permits granted for the shareholders and managers of commercial companies. Accordingly, it is stipulated that i) foreigners who are both manager and shareholder of a limited company, and ii) foreigners who are both a member of the board and shareholder of a joint stock company are entitled to obtain a work permit.

Apart from those regulations, the Work Permit Law and the Regulation on the Turquoise Card provides an opportunity for foreigners to obtain a residence and work permit for indefinite period.

This guide is intended to provide general information regarding the subject matter and cannot be considered as a complete and binding legal advice. Please seek professional advice for your specific conditions.