

RESIDENCE PERMITS

Introduction

As a developing country, Türkiye has emerged as one of the fastest-growing immigrant destinations in the world. Statistically speaking, while less than 200 thousand foreigners had Turkish residence permits in 2010, as of January 2023, the same number rose to more than 1.3 million. Statistical data shows that each year more people were granted a residence permit than in previous years.

In April 2014, the government put into force a completely new law on immigration which has made vast changes to residence permit eligibility and procedure. In this regard, new categories of residence permit eligibilities have been introduced, including for those who consider purchasing real estate in Türkiye.

This article aims to provide a basic overview of residence permit regulations through selection of the most common topics applicable for the vast majority of foreigners intending to settle in Türkiye.

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Residence Permit Requirement

Foreigners must obtain a residence permit in case they intend to stay in Türkiye longer than;

- a) the duration of stay specified in their issued visa, or
- b) the duration of stay specified for visa-exempt entries, or
- c) 90 days.

However, foreigners planning to stay shorter than the above stated periods may also apply for a residence permit.

Exempt Foreigners

Following persons are not required to apply for a residence permit;

- a) Work permit holders,

- b) Work Permit Exemption Certificate holders,
- c) Holders of Stateless Person Identity Card,
- d) The persons who are exempt from a residence permit by virtue of international agreements to which Türkiye is a party,
- e) Members of the diplomatic and consular missions,
- f) Family members of diplomatic or consular officers, and
- g) Officers of intergovernmental organisations that have representative offices in Türkiye.

Residence Permit Types

The law specifies six main residence permit (“RP”) categories. These are;

- a) Short-term RP
- b) Family RP
- c) Long-term RP
- d) Student RP
- e) Humanitarian RP
- f) RP for victims of human trafficking

This article will cover the first three RP types as they are the most significant ones in practice.

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I. Short-term Residence Permit

The short-term RP is the most commonly used RP type. According to the most recent statistics, the short-term RP constitutes more than half of the total RPs granted throughout the year. A short-term RP is granted on the basis of the applicants’ purpose of stay.

The law specifies the persons who are eligible to apply for a short-term RP. The notable ones are as follows;

- a) Persons owning a residential real estate in Türkiye,
- b) Persons coming to establish commercial ties or to set up a business in Türkiye,
- c) Persons coming for touristic purposes,
- d) Persons coming for medical treatment,
- e) Persons coming to conduct scientific research,
- f) Persons coming within the scope of an exchange program for educational or similar purposes,

- g) Persons coming to attend Turkish language courses, and
- h) Persons coming to attend in-service trainings.
- i) Persons required to stay in Türkiye pursuant to a request or a decision of judicial or administrative authorities,
- j) Persons transferring from a family residence permit,
- k) Persons who do not work in Türkiye but will make an investment within the legally determined scope and amount, and their foreign spouses, their minor or dependent children, and
- l) Citizens of Turkish Republic of Northern Cyprus.

For all persons stated above, the short-term RP may be granted for a maximum duration of 2 years at a time with the exception for those mentioned in subparagraphs (k) and (l).

In practice, foreigners owning a real estate are specifically granted short-term RPs for a period of not less than one year at a time, as part of the government's policy to promote the purchasing of real estate by overseas investors.

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II. Family Residence Permit

In order to protect the unity of the family, the Family RP is granted to certain family members of those who have the right to stay in Türkiye. In this regard, the persons who have the right to stay in Türkiye are referred to as "supporting person" by law.

The supporting person can be one of the following;

- a) Turkish citizens,
- b) Holders of a valid RP, provided that they have been staying in Türkiye for not less than one year,
- c) Holders of a valid work permit, or
- d) Holders of a valid work permit exemption certificate.

Following are the persons who may be granted a family RP;

- a) Spouse of the supporting person,
- b) Minor child of the supporting person/spouse, and
- c) Dependent child of the supporting person/spouse.

The family RP may be granted for a maximum duration of 3 years at a time. Nevertheless, the duration of a family RP

cannot exceed the duration of the RP held by the supporting person under any circumstances whatsoever.

The family RP grants the minor child the right to have education in pre-schools, elementary schools, middle schools and high schools until the age of 18. In case they wish to continue their education after the age of 18, they are required to apply for a student RP, unless they remain to be dependent on their parents.

Holders of a valid family RP should not stay outside of Türkiye longer than 180 days in a year, except for compelling reasons related to community service, duty, education or health. Otherwise, their permits may be cancelled or not be extended for further periods.

III. Long-term Residence Permit

Foreigners who have been residing in Türkiye legally and uninterruptedly for a minimum of 8 years or meet the conditions determined by the Ministry are eligible to apply for a long-term RP. The long-term RP is issued for unlimited duration.

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The long-term RP grants foreigners the same rights and status as accorded to Turkish citizens, except for;

- a) Right to vote or seek public office,
- b) Right to be employed as civil servant,
- c) Right to import motor vehicle with tax exemption,
- d) Duty to serve for military, and
- e) Limitations stipulated in other laws and regulations, (e.g. restrictions with regards to the acquisition of real estate in certain zones)

Moreover, once the long-term RP is obtained, the permit holder becomes eligible to apply for an unlimited work permit as well.

Holders of a valid long-term RP must not stay outside of Türkiye longer than one year, except for compelling reasons related to community service, duty, education or health. Otherwise, their permits will be cancelled.

The Application Procedure

Place of Application

The competent authority for the issuance of RPs is the General Directorate of Immigration Administration within the Ministry of Interior. Depending on the type of RP to be applied for, the application will be lodged either to;

- a) Turkish Consulates in the foreigner's country of citizenship/legal residence, or
- b) Local Directorates.

However, the consulates are not able to receive permit applications for the time being, as the technical infrastructure has not been completed and the secondary legislation has not been available yet. Hence, all permit applications are submitted to local directorates until the legal and technical preparations are completed.

Time of Application

Since the application cannot be made from abroad for the time being, the foreigner must be present in Türkiye at the time of application. The application should ideally be made within the duration of stay specified in the visa or visa exemption. Applications made within the first 10 days during the overstay period is also permissible.

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Online Appointment

In order to submit the application file to the local directorate, the applicant must first get an appointment through using the online system called "e-ikamet". Here the applicant is expected to fill out online registration forms, upload a digital copy of his biometric photo, and pick up an available date and time for the appointment.

The system gives information about the fees to be paid and provides option to make instant payment with credit card.

Once the online appointment is made, the application process is deemed to have been initiated, which prevents foreigner from violating visa rules until the date of appointment, even if

he exceeds the duration of stay specified in his visa or visa exemption.

In practice, the waiting period between the date of online application and the date of appointment may sometimes take up to a couple of weeks due to excessive amount of applications, particularly in the city of Istanbul.

In case the applicant wishes to depart from Türkiye during the waiting period, he is required obtain a paper called “Residence Permit Application Certificate”. This certificate is issued by the local directorate and allows foreigner to stay abroad for a maximum period of 15 days per departure. The certificate grants visa exemption to the applicant, thereby allowing multiple exit and entry within the waiting period.

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Submission of Application File

The applicant is required to show up in person at the date of appointment to submit the application file. The application may also be filed by a legal representative or a licensed lawyer.

The required documents vary due to the type of RP and/or the purpose of stay. The application file should typically include the following;

- a) Application Form,
- b) Tax Number,
- c) Passport,
- d) 4 Photos (biometric),
- e) Proof of financial resources, and
- f) Valid Health Insurance.

In case there is missing/inadequate documentation, the applicant is notified thereof, and required to complete the documentation within 30 days after the date of notification. If the missing documents are not submitted within this period, the application will not be evaluated.

Assessment of Application

The assessment of application is concluded within 90 days. The applicant may be called for further interview during the assessment process. If the application is accepted, an RP card

is issued by the General Directorate and sent by courier to the applicant's residency address in Türkiye.

Application for Extension

The extension applications must be made within 60 days before the expiry date of the existing residence permit. Extension applications are also initiated through the *e-ikamet* system.

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