

WORK PERMITS

Introduction

Türkiye is becoming an attractive immigration destination for people wishing to live and work in a new country. Statistically speaking, around 170.000 individuals from 165 countries were granted work permits in 2021, almost 10 times higher than those granted in 2011. Statistical data shows that each year more people apply for and are granted work permits than in previous years (the only exception being 2020 due to the COVID-19 pandemic).

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Work Permit Requirement

Foreign individuals must obtain a work permit before starting to work in Türkiye, unless they are exempt from this requirement pursuant to specific regulations or international treaties. Administrative fines are imposed on both the employer and the employee in cases where a foreigner without a work permit is employed.

1

Following individuals are required to apply for work permit;

- a) Employees,
- b) Self-employed entrepreneurs,
- c) Directors of Türkiye-based Limited Liability Companies (LLC), who also hold shares in the same LLC, and
- d) Members of the Board of Directors in Türkiye-based Joint Stock Companies (JSC), who also hold shares in the same JSC.

Exempt Foreigners

Following individuals are not required to apply for work permit;

- a) Members of the Board of Directors in Türkiye-based JSCs who do not reside in Türkiye,
- b) Shareholders of Türkiye-based companies who do not officially hold a managerial post in the company, and
- c) Cross-border service providers (foreign persons who are present in Türkiye to render a temporary service and receive a wage from a Turkish or International source in return for the services rendered in Türkiye) who stay in Türkiye less than 90 days in a 180-day period.

Nevertheless, foreigners in this scope must obtain 'exemption certificate' before starting to work in Türkiye.

Work Permit Types

I. Regular (Temporary) Work Permit

In principle, a work permit is issued for a limited period while extension of it is subject to certain other limits. A regular work permit is granted for a maximum term of 1 year at the first application.

Regular work permits may be extended for a maximum term of 2 years at the first extension application, and a maximum term of 3 years at subsequent applications. However, employees who have departed from their job and started to work for a different employer cannot enjoy the longer extension periods mentioned herein.

II. Unlimited (Permanent) Work Permit

Foreigners having been holding work permit for 8 years or holding long-term residence permit can be granted a work permit for unlimited duration.

Unlimited work permit grants foreigners the same rights and status as granted to Turkish citizens, except for;

- a) Right to vote and seek public office,
- b) Right to be employed as civil servant,
- c) Duty to serve for military,
- d) Other limitations stipulated in various laws and regulations, such as the restriction in connection with acquisition of real estate in certain areas.

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III. Turquoise Card

Similar to the Green Card in USA and the Blue Card in the EU, Turquoise Card offers highly-qualified individuals a comprehensive opportunity to work and stay in Türkiye.

Turquoise Card can be described as a special form of work permit of unlimited duration. Card holders are allowed to work in Türkiye without time limit, while their spouse and children are automatically granted permanent residence permit.

Individuals deemed to have a solid educational, professional, or scientific background as well as investors who can make a significant contribution to Turkish economy have the eligibility to obtain Turquoise card.

IV. Exceptional Work Permit

Exceptional work permit basically refers to the flexible approach of the Government in granting work permits to certain groups of people. Such individuals may be subjected to a less strict application procedure and evaluation criteria, and granted work permit with more favourable terms, particularly in terms of duration.

Foreigners having one of the following statuses may enjoy the exceptional work permit scheme;

- a) EU Citizens,
- b) Highly-qualified Professionals,
- c) Highly-qualified Investors,
- d) Cross-border Service Providers,
- e) Spouses of Turkish Citizens,
- f) Persons of Turkish descent,
- g) Employees of a project (e.g. construction, infrastructure etc.) to be carried out in Türkiye,
- h) Refugees and Human Trafficking Victims,
- i) Officers of foreign states or international organizations without diplomatic immunity,
- j) Internationally-renowned Scientists, Artists, and Sportsmen, and
- k) Turkish Cypriots.

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Application Procedure

Prior Authorization

It is mandatory to obtain prior authorization by foreigners who will render services in healthcare or education sector. The competent authorities for the prior authorization are Ministry of Health and Ministry of National Education or higher education institution.

Initial Application

The Ministry of Labour and Social Security is the competent authority for granting work permits. The application procedure is often a multi-sided and multiple-phased process carried out both by the employing entity and the foreign individual.

Foreign individual can file the application either from abroad or when present in Türkiye. In cases of overseas applications, the foreigner should apply to the Turkish Embassy or Consulate in the country where he/she is a citizen or a legal resident. In case of domestic applications however, foreigners can file the application directly to the Ministry, provided that they hold a valid residence permit with a remaining term of at least 6 months.

Following the initial application made abroad by the foreign individual, the employing entity shall access to the Ministry's online application system, fill out the online forms,upload the soft copies of required documents to the web portal and complete the application within 30 days. Where the foreigner resides in Turkey, the employer shall directly file the application via the online system.

Required documents vary depending upon the sector, job position and the profession of the foreigner.

In case there are missing documents or lack of information in the application, the assessment shall be postponed until such deficiencies are fixed. The deficiencies must be corrected within 30 days following the notification by the Ministry. Otherwise, the application will be rejected.

Assessment

The Ministry evaluates applications by consulting to, and taking into account the considerations of, the relevant governmental authorities. Furthermore, when assessing an application, the Ministry considers certain matters, such as the government's international labour force policy, nature of the business and the market, developments in professional life, changes in sectoral, geographical and economic conjuncture, the applicant's educational status, the contribution of the enterprise to the national economy, and the appropriate wage level in line with such qualifications and employment status.

More importantly, the ministry implements preliminary criteria to be met both by employing entity and the foreign individual. The common qualifications sought in the work permit applications are as follows:

- a) At least 5 Turkish nationals must be employed by the employing entity. In the event the foreigner is a shareholder of the Türkiye-based company, the requirement to employ 5 Turkish nationals is sought only for the last six months of the work permit duration. The requirement to employ 5 Turkish nationals applies individually for each foreigner.
- b) The paid-up capital of the company must be at least 100,000 TRY. Alternatively, its gross sales must be at least 800,000 TRY per annum, or its export sales for the previous year must be at least 250,000 USD.
- c) In cases where the foreigner is a shareholder of a company, he/she must have at least 20% of the shareholding and this percentage shall correspond to at least 40,000 TRY.
- d) The monthly salary payable to the foreign employee as declared by the employer should be commensurate with the position and competence of the foreign employee.

The individuals eligible to obtain an exceptional work permit may be exempted from such qualifications.

Based on the official minimum wage announced by the government, the Ministry set out salary thresholds for certain professions and job positions. For instance;

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- a) Senior executives and pilots should be paid at least 6.5 times as much as the minimum wage, and
- b) Unit or branch managers, engineers and architects should be paid at least 4 times as much as the minimum wage.

Assessment of duly submitted applications should be concluded by the Ministry within 30 days.

Extension Applications

Extension applications must be filed within 60 days before the expiry date of the existing work permit. The application procedure is quite similar to the first-time application, albeit requiring a lesser number of documents.

In the event the file is submitted after the expiry of work permit, the Ministry ignores the extension application. In such case, applicants wishing to renew their permits should prepare the documents as if it was a first-time application.

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