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Subject:



International Labor Law has been published in the Official Gazette.

As a result of Turkey's on-going multi-national projects and acceptance of intense amount of immigrants and as a result of the problems caused by present conditions; it is visible that the law and legislation on work and residence rights of foreigners that is currently in force does not meet the requirements of today's conditions and International Labor Law numbered as 6735 was published in the Official Gazette dated 13/08/2016 and has come into force.

In this circular, we are presenting you a brief summary of the International Labor Law which consists of 29 articles that came into force as of the publishing date.

1. The purpose of the law on international labor is to determine the policies on international labor, regulate the authorities and responsibilities on international labor of the work permit and work permit exemptions granted to the foreigners
2. This Law covers the real and legal entities that applies to work in Turkey, for vocational training affiliated to an employer, for an internship, for foreigners who are in Turkey to perform cross border activities.

In the application of this law, the provisions of the agreements in which Turkey is counterparty bilaterally or multilaterally are reserved.

3. The Ministry is authorized to determine the policy on international labor and authorized to execute the activities of the determined policies on national and international level while considering the decisions of the International Labor Policy Council.

4. The Ministry establishes the International Labor Follow up & Evaluation system to be able to receive the requests on foreign employment, to evaluate and to follow up on foreign employment applications.

The Ministry can request information & document from institutions & organizations and the real person and legal entity based on foreigners, need for the foreign employment and about the other subjects mentioned in this law without prejudice to public safety.

5. It is forbidden for foreigners to work without a work permit within the scope of this law. The foreigners who are determined to work without a work permit in Turkey based on other laws or the bilateral or multilateral agreements in which Turkey is a counterparty, can work without a work permit based on this regulation.

6. Work permit applications can be done domestically to the Ministry directly, from abroad in which the foreigner has a citizenship from or from the country in which the foreigner has a legal right to stay to the Turkish Republic Embassies or Consulates.

7. Work permit extension applications can be made sixty days prior to the expiration date of the current work permit and extension application needs to be filed before the work permit expiration date in any case. The applications which are filed after the expiration dates are rejected automatically. The evaluation of the applications is completed within thirty days if the application is duly completed.

8. Prior consent: Pre consent is mandatory of the work permit evaluation for the foreigners who will be employed in health and education services that requires professional competency. For health services the Ministry of Health and for educational services the Ministry of National Education is authorized to grant prior consent, and the professions which require prior consent are determined by the Ministry with the opinions of the Ministers.

Work permits of the foreign academics is granted by the Ministry in accordance with the Higher Education Boards related legislation with reference to prior consent.

Work permits of the foreign employees who will be working as research and development personnel in firms which has Research & Development Center is evaluated if there is an opinion in favor of the Ministry of Science, Industry and Technology.

9. According to the evaluation of the work permit application and evaluation criteria, the applications are rejected if the application is not in accordance with the International Labor Policy, if the application has a misstatement and is submitted with false documents, the reason for the employment of the foreigner deemed insufficient and if the foreigner deemed not qualified for employment, if the application does not meet the Ministry's criteria, for the citizens of a country which Turkey does not recognize or does not have any diplomatic relations with unless the Ministry of Foreign Affairs assents, and if the application is not filed within the legal application period.

10. If the application is positively evaluated, a work permit is granted maximum for 1 year. If the extension application is positively evaluated, the first extension affiliated to the same employer, is granted for 2 years, and the next extension can be granted up to three years. However if the application is filed under a different employer, the work permit is granted only for 1 year.

The foreigner who has an indefinite work permit, can benefit from the rights which are granted by the long term residence permit. The foreigner who has indefinite work permit, except the regulations of special law, can benefit from the rights that are granted to Turkish citizens while being subjected to the legislation provisions. The foreigner is not obliged to vote and stand for election, be employed in public sector or to perform military duty. An independent work permit can be granted in case the foreigner who is a member of a profession that meets the special criteria which are indicated in other laws.

11. Turquoise Card: In accordance with the International Labor Policy, Turquoise Card can be granted to a foreigner if the educational level, professional experience, contribution to science & technology and the effect of the activities & investments to the country's economy and employment of the foreigner is deemed necessary. Turquoise Card is granted with the condition of 3 years transition period. For the family members of the foreigner who has a Turquoise Card, an official document is granted which is a substitute for a residence permit. And Turquoise Card holder foreigner can benefit from the rights that are granted with an indefinite work permit as well.

12. According to this regulation, work permit or work permit exemption is a substitute for a residence permit based on the Law numbered 6458, article 27. However a residence permit does not grant a right to employment.

13. Following the application made abroad, the foreigner who is granted with a work permit is obliged to enter Turkey within 6 months following work permit start date. The work permit is cancelled if the foreigner does not enter Turkey within this period.

14. The foreigners in the scope of work permit exemption, can be employed with the condition of obtaining the work permit exemption. Work permit exemption applications can be done domestically to the Ministry directly, from abroad in which the foreigner has a citizenship from or from the country in which the foreigner has a legal right to stay to the Turkish Republic Embassies or Consulates.

15. According to the Law numbered 6102, the board member of the established corporation who does not reside in Turkey and other firms' partner who does not have a director title and cross border service provider whose activities does not exceed 90 days in 180 days are evaluated within the scope of work permit exemption.

16. For the countries which have diplomatic councilor representatives, foreigners who are working in affiliated schools, cultural organizations, and religious organizations can work with work permit and foreigners who are working in non-affiliated schools, cultural & religious organizations within the scope of Vienna Convention on Diplomatic Relations dated 18/4/1961 and Vienna Agreement on Consular Relations dated 24/4/1963 can work with work permit

17. Work permit or work permit exemption is cancelled if the foreigner does not enter to Turkey within 6 months starting from the work permit or work permit exemption commencement date, if the foreigner stays out of Turkey more than 6 months incessantly except health or compelling mandatory public services reasons for temporary work permits, and for independent work permit, this time period is more than one year incessantly and if a Turquoise Card holder stays out of Turkey more than the time period determined by the Ministry.

18. According to the Law numbered 6458, the foreigners who requested international protection and whose status is still not determined or conditional refugees can apply for a work permit or work permit exemption starting from the international protection application date. And for foreigners who are granted temporary protection can apply for a work permit or a work permit exemption starting from the temporary protection identity card issuance date. A valid work permit or having a work permit exemption does not grant an absolute right to stay in Turkey.

19. Foreign students who are registered in a higher education institution in Turkey, can be employed with work permit. Foreign students who have an associate degree or a bachelor degree can apply for a work permit once they complete their first year and can work part time within the scope of Labor Law numbered 4857 dated 22/5/2003. This limitations are not applicable for graduate students. The foreign student who has completed his higher education in Turkey, can apply for a work permit within a year following the graduation and the application is evaluated under the principals determined by the International Labor Policy Consulting Board.

20. Engineers and architects who have completed their education in a higher education institution in Turkey or from an accredited higher education institution abroad which is recognized by the Higher Education Board in Turkey can be granted a work permit temporarily or as project based and perform their profession.

21. Starting from the date of notification, the related parties can object to the verdict within 30 days. If the objection is rejected, they can apply for administrative procedures.

22. Employers which employ foreigners and foreigner who hold indefinite or independent work permits are obliged to notify the ministry within 15 days in case the employment starts or ends or there is need for cancellation of work permit and work permit exemption.

23. The work permit and work permit exemption holder foreigner and the employers which employ foreigners are obliged to fulfill the social security liabilities within the legal period in accordance with Social Security and General Health Insurance Law numbered 5510, dated 31/5/2006.

24. According to this Law, the administrative fines should be paid within a month starting from the notification date.

25. The Ministry of Foreign affairs is authorized to determine the work permit fees within the scope of reciprocity principle. A fee is not applicable for the foreigners who have work permit exemption shorter than 3 months and Turquoise Card holders and their immediate family members.

26. For Northern Cyprus Citizens, short term residence permit is granted for 2 years at most.

27. The work permits which are granted based on the previous legislation prior to the law came into force, are still valid unless cancelled. For the applications which were filed before the law came into force or for on-going applications, the provisions which are in favor of the applicant are taken into consideration.

28. Until the regulations of the application of this law came into force, the provisions which are not in contradiction with this Law continues to be applied.

Yours sincerely,
Deloitte Turkey

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