

WORK PERMIT

Who does not have to apply for a work permit?

Under the 1951 Refugee Convention, foreigners who came to Turkey from a non-European country can have the following status: International Protection, Temporary Protection, Subsidiary Protection, Conditional Refugees, and Refugees.

If you are an asylum seeker coming **from an European country** and if you answer to the refugee description of the 1951 Convention, you can hold a Refugee status after the status determination procedures.

If you are a **non-European asylum seeker**, you can have a Subsidiary Protection status or Conditional Refugee status after the status determination procedures of the Directorate General of Migration Management (DGMM).

In Turkey, the Refugee status determination process is conducted by DGMM and United Nations High Commissioner for Refugees.

According to refugee law in Turkey, Refugees or Subsidiary Protection status holders may work dependently or independently of receiving their status and they do not need to apply for a work permit. Their ID card is accepted as a work permit but it is required to update the information on Refugees or Subsidiary Protection status holders, related to the province of employment, occupation, whether he/she works dependently or independently, to the Ministry of Interior by the Ministry.

International protection applicants and Conditional refugees status holders are obligated to obtain a work permit.

Therefore, if you are holding a **International Protection or Conditional Refugee** ID card you will **need to apply for a work permit**.

For Temporary Protection ID Card Holders



Syrians living in Turkey can have “Temporary Protection” status, which means they have “Temporary Protection Identity Card” and an ID number in Turkey.

According to the Turkish Temporary Protection Regulation temporary protection status shall be granted to foreigners who were forced to leave their countries and are unable to return to the countries; they left and arrived at or crossed Turkey borders in masses to seek urgent and temporary protection; and whose international protection requests cannot be taken under individual assessment.

Temporary protection status is given to foreigners who:

- Have been forced to leave their country,
- Cannot return to the country that they have left,

- Have arrived at or crossed the borders of Turkey in a mass influx situation seeking immediate and temporary protection.

Temporary protection and international protection ID card holders have the right to work in Turkey. However, they are not permitted to work in Turkey without a valid work permit.

»What is the requirement to obtain a work permit?



- Temporary identification document/foreigner credentials, which states that they are under temporary protection, and a foreigner identity number (which start with 99).
- The minimum temporary protection period of six (6) months is completed at the date of application for work permit.
- The application is made in the province where the foreigner is given the permit to stay, according to their temporary protection records.
- The total number of workers under temporary protection in the workplace must not exceed ten (10) percent of the Turkish employees.
- Prior authorization is needed for individuals who will work in professions that requires the prior authorization document obtained from the relevant Ministries.
- The foreigner under temporary protection does not have a work permit issued for another employer or another ongoing application that has not been finalized.

a. The applicant should hold an ID and ID number



In Turkey, refugees have the right to have an ID and ID number. The process of obtaining an ID card starts with their registration.

The ID card is called “Temporary Protection Identity Card” and is provided by the Directorate General of Migration Management (DGMM). ID card shall be obtained in a city of choice except for big cities such as Ankara, Istanbul, and Izmir, as well as other cities as determined by the Migration Management.

If your ID card does not include an ID number which starts with the number 99, you can check the DGMM link below to see your number:

<http://www.goc.gov.tr/gecicikoruma/Pages/YabanciKimlikSorgulama.aspx>

Benefits of an ID card in Turkey:

- ✓ Legal right to stay in Turkey
- ✓ Access to healthcare services,
- ✓ Right to education / Continuing education
- ✓ Right to work,
- ✓ Right to marry
- ✓ Direct access to social aids (financial, aids in kind etc.)

Life in Turkey without an ID card:

- ✗ Risk to be rejected a rental agreement
- ✗ Risk to be rejected employment
- ✗ Limited access to health services (examination fee will occur)
- ✗ No right to marry
- ✗ No right to education
- ✗ No access to social aid

b. The ID card should be held for at least six months



ID cards given by PDMM should be held for at least six months before applying for a work permit. Therefore, refugees who are holding an ID card for less than 6 months, can't be a subject for a work permit.

c. The applicant should work in s/his satellite city



One of the conditions of the work permit is to live and work in the satellite city where the ID card was issued. Therefore, you can't work in a different city than your satellite city.

d. Employment Quota and Exemptions



The number of workers, working under Temporary Protection in a workplace, cannot exceed ten percent of the Turkish citizens working in the same workplace. However, in workplaces that employ no Turkish citizen or have less than ten employees in total, a maximum of one foreigner under temporary protection can be granted a work permit.

Moreover, if within four weeks before applying for a work permit for the foreigner, the employer documents that no Turkish citizen of equal skillset could be found for the same position, the quota may not be implemented for the application, if determined by the Provincial Directorate in which the workplace is registered. The determination is made by the Ministry of Labor, Social Services and Family analyzing the employment lists by sector and province, for which the specific application is made.

e. Professions that require prior authorization



If you are a foreigner under temporary protection and you are interested in working in education or in the health sector, you should first apply for an authorization from the relevant Ministries, before applying for a work permit.

Ministry of Health for the health sector
Ministry of National Education for the education sector

f. The work permit is valid only for the company or organization who applied for the work permit

The work permit is solely valid for the company or organization who has applied for the work permit and you cannot work at another place other than the employer who applied for a work permit.

If there is more than one application for one employee, the Ministry of Labor, Social Services, and Family will reject the application.

»Method of the Application

a. The work permit application is made by your employer.

Exemption: you eligible to apply yourself for Independent Work Permit, if you want to set up a business such as shops and stores.

b. The application is made online via <https://ecalismaizni.csgeb.gov.tr/#/eizin>

c. A search is run after entering your identity number on the automation system, and the identification details are generated.

d. If, during the search, it cannot be determined on the Ministry of Internal Affairs records that the minimum temporary protection of six months has been completed, the system will generate an alert that the application cannot be processed.

e. In the case that, the province code of the employment/work address does not match the province code of the temporary protection and residence, the system will generate an alert that the application cannot be processed.

f. It is obligatory that the information regarding you and your employer is entered completely, and the employment contract between you and your employer, as well as a photo of you, are scanned and uploaded on the system.

g. If it is found that you have a prior application already in process, the current application will not be processed.

h. It is sufficient to make the work permit application online via the automation system; no paper-based application needs to be sent to the Ministry.

i. If you work independently under your own name and account, with the condition that there is a tax identification number, you must obtain a work permit following the process of establishing the business. The trade registry gazette, and for the natural entity, traders, merchants, and craftsmen, relevant documentation demonstrating the activity of the workplace, e.g: chamber registration, should be scanned and uploaded on the automation system. The authorities will seek a valid working permit for you when the business license is granted.

»When is the work permit application rejected?

The Ministry would reject work permit applications under any of the following situations:

a. If the number of employees under temporary protection within that workplace is more than ten percent of the Turkish citizen employees working in the same workplace.

b. If the application is made for jobs and professions that are restricted by special laws to be performed only by Turkish citizens.

c. If no prior permission is obtained from:

›The Ministry of Health, for members of the health profession

›The Ministry of Education or the Chairmanship of Higher Education Council, for members of the education profession

d. If the evaluation criteria cannot be met

e. If the relevant authorities have a different opinion

»Exemption for work permit in seasonal jobs in Agriculture and Livestock/Animal Husbandry

Your application for exemption will be accepted if you are holding a valid temporary protection ID card and meet the conditions listed below:

- Holding a temporary protection ID card for at least 6 months,
- Applying for the exemption in your satellite city and only for the seasonal jobs in agriculture and livestock breeding.

»Important issues for people under Temporary Protection

If you are under temporary protection in Turkey;

- You cannot work, and cannot be employed, without a valid work permit or an exemption from work permit.
- The rights and obligations of workers and employers under temporary protection, according to labor and social security legislation or other national legislation, are reserved.
- The “work permit document” and “work permit exemption information form” does not substitute the residence permit.
- If the Ministry deems necessary, you may be requested to submit additional documentation at the time of application.
- You will be granted a work permit or a work permit exemption of maximum 1 (one) year each time. You should apply for renewal before the expiration date.
- Renewal application should be made before the expiration date.
- If you completed a minimum six month period, you can apply to Provincial Directorates of Labor and Labor Institution with the purpose of benefiting the services of the institution as a “job seeker”.
- The “work permit” and “work permit exemption” applications of foreigners under temporary protection are made via the identity number starting with 99: This number can be found at “<http://www.goc.gov.tr/gecicikoruma/Pages/YabanciKimlikSorgulama.aspx>”, by entering the personal number given to you, which starts with 98 and running the search.

For International Protection ID Card Holders

Non-Syrians have “International Protection” status and an “International Protection Identity Card” in Turkey. International Protection ID card holders have different procedures when it comes to refugee status determination however, work permit procedures are almost the same.

»Who can apply and obtain a work permit?

Conditions for obtaining the work permit:



International Protection Applicants and Conditional Refugees can submit an application for a work permit using their **identification document** issued by competent authorities indicating their application or status.

Without holding a valid identification document, Conditional refugee status holders are not entitled to submit a work permit application to work for a different employer or independently.

Application for a work permit has to be submitted **six months after the date of submitting the application for international protection.**

a. The applicant should hold an ID and ID number



In Turkey, refugees have the right to have an ID and ID number. The process of obtaining an ID starts from the registration.

Non-Syrians (Iraqis, Afghans, Iranians, Somalians etc.) have to register with UNHCR through ASAM Ankara HQ at first. They have the right to choose their city of residence from the weekly updated satellite city list given by DGMM. With their UNHCR referral document, they need to go in person to their satellite city Provincial Directorate of Migration Management (PDMM) within 15 days. PDMM will provide them with an ID card called “International Protection Identity Card”.

Benefits of having an ID card in Turkey:

- ✓ Right to live in Turkey legally,
- ✓ Right to access a health care services,
- ✓ Right to education / Continuing education
- ✓ Right to work,
- ✓ Right to marry,
- ✓ Directly access to social aid (financial, aids in kind etc.)

Living in Turkey without an ID card:

- ✗ Risk to be placed into a removal center
- ✗ Deportation risk
- ✗ Risk to be rejected a rental agreement
- ✗ Risk to be rejected from a job
- ✗ Not directly access to health services (examination fee will occur)

- ✗ No right to marry
- ✗ No right to education
- ✗ No access to social aid

b. The ID card should be held for at least six months



ID cards given by PDMM should be held for at least six months before applying for a work permit. Therefore, refugees who are holding an ID card under 6 months, can't apply for a work permit.

c. You should work in s/his satellite city



One of the conditions of the work permit is to live and work in the satellite city where the ID card was issued. Therefore, you can't work in a different city than your satellite city.