

REGULATION

From Ministry of Labor and Social Security:

REGULATION ON WORK PERMIT OF INTERNATIONAL PROTECTION APPLICANTS AND INTERNATIONAL PROTECTION STATUS HOLDERS**CHAPTER ONE****Purpose and Scope, Basis and Definitions****Purpose and scope**

ARTICLE 1 – (1) The purpose of this Regulation shall be to regulate procedures and principles related to the work permit of foreigners who are deemed to be applicants, refugees, conditional refugees, subsidiary protection status holders pursuant to Law No. 6458 on Foreigners and International Protection dated 4/4/2013.

Basis

ARTICLE 2 – (1) This Regulation is prepared on the basis of Article 89 of the Law No. 6458 dated 4/4/2013.

Definitions

ARTICLE 3 – (1) For the purposes of this Regulation, the following terms shall be construed as follows;

- a) Ministry: Ministry of Labor and Social Security,
- b) Applicant: A person who lodged an international protection claim and a final decision regarding whose application is pending,
- c) Subsidiary protection status holder: A person who is defined in Article 63 of the Law No. 6458,
- ç) Law: Law No. 4817 on Work Permits of Foreigners dated 27/2/2003,
- d) Identification document: A document issued pursuant to Articles 69, 76 and 83 of the Law No. 6458 for foreigners who are applicants or international protection status holders,
- e) Refugee: A foreigner defined in Article 61 of the Law No. 6458,
- f) Conditional refugee: A foreigner defined in Article 62 of the Law No. 6458,
- g) International protection status: Refugee status, conditional refugee status or subsidiary protection status granted pursuant to Law No. 6458,
- ğ) Foreigner: A person who does not have citizenship bond with the Republic of Turkey.

CHAPTER TWO**General Principles****Work permit of refugees and subsidiary protection status holders**

ARTICLE 4 – (1) Refugees or subsidiary protection status holders may work dependently or independently as of receiving their status.

(2) Identification documents of refugees or subsidiary protection status holders shall substitute work permits, which shall be indicated on their identification document.

(3) Reasons justifying the cessation of the status for any reason or cancelation of identification documents shall also end the foreigner's right to work.

(4) Updated information on refugees or subsidiary protection status holders related to province of employment, occupation, whether he/she works dependently or independently from the sector shall be notified to the Ministry of Interior by the Ministry.

Work permit of applicants and conditional refugee status holders

ARTICLE 5 – (1) Applicants and conditional refugee status holders shall be obligated to obtain work permit before working. Work permit shall be granted to persons whose application is deemed appropriate.

(2) Holding a valid work permit shall not entitle applicants and conditional refugees the absolute right to stay in Turkey.

Application conditions for work permits

ARTICLE 6 – (1) Applicants and conditional refugees may lodge an application for work permit with their identification document issued by competent authorities indicating their application or status.

(2) Without holding a valid identification document, holding valid work permit by applicants or conditional refugee status holders shall not entitle the right to lodge work permit application to work for a different employer or independently.

(3) Application for work permit may be lodged six months after the date of application for international protection.

(4) Applications of applicants and conditional refugees, who are obligated to reside in a certain province, to obtain work permit outside of the borders this province shall be finalized after receiving the opinion of the Ministry of Interior.

CHAPTER THREE

Granting Work Permit to Applicants and Conditional Refugees

Procedure for work permit application

ARTICLE 7 – (1) Work permit applications shall be lodged to the Ministry through e-Government Gateway.

(2) Following the scanning of documents required for the application, uploading the documents to the work permit automation system of foreigners, entering the information of the foreigner and employer and conveying the required documents to the Ministry shall be required.

Application to renew work permit

ARTICLE 8 – (1) Application to renew work permit in order to continue working for the same employer shall be lodged to the Ministry through e-Government Gateway. Renewal applications containing change of the employer shall be rejected.

(2) Submitting a valid identification document pertaining to the applicant or conditional refugee shall be required for application to renew work permit.

(3) Application to renew work permit shall be lodged before the expiration of work permit validity.

(4) Applicant or conditional refugee may continue working at the same work place as of the date of this application until the finalization of application to renew work permit on condition that he/she holds valid identification document and documents his/her renewal application..

Application for exemption from work permit

ARTICLE 9 – (1) Applicants and conditional refugee status holders who will work at seasonal agriculture or husbandry jobs shall be within the scope of work permit exemption. Applications for exemption from work permit shall be lodged to the Provincial Directorate of Labor and Work Institution in the province where international protection is granted.

(2) Province and quota limitations may be introduced by the Ministry for applicants and conditional refugee status holders, who will work at seasonal agriculture or husbandry jobs.

Evaluation of work permit applications

ARTICLE 10 – (1) Evaluation criteria to be determined by the Ministry under the principles determined in the Law and Implementation Regulation on Work Permits of Foreigners, which was published in Official Journal No. 25214 dated 29/8/2003, in evaluation of work permit applications.

Rejection of work permit applications

ARTICLE 11 – (1) Work permit or work permit renewal applications shall be rejected in case of identification of the below conditions in addition to the provisions of Article 14 of the Law;

- a) Where less than six months has passed since the international protection application,
- b) Where less than thirty days of validity for the identification document remains when the application is finalized including the submission of related documents to the Ministry,
- c) Where deportation decision taken pursuant to the Law No. 6458 is finalized,
- c) Where notification of negative opinion has been made by the Ministry of Interior for applications lodged by applicants or conditional refugees, who are obligated to reside in a certain province, to obtain work permit outside of the borders of this province.

Identification of missing documents

ARTICLE 12 – (1) In case it is identified that the application was lodged with missing documents, applicant shall be informed with the request to submit the missing documents. Evaluation process shall continue, if the missing document is uploaded to the work permit automation system of foreigners within fifteen days or conveyed to the Ministry. Otherwise, the application shall be rejected.

Receiving opinion from the related authorities

ARTICLE 13 – (1) The Ministry may request the opinion of the related authorities with regard to evaluation of work permit applications.

(2) Requesting opinion with regard to application of applicants or conditional refugees, who are obligated to reside in a certain province, to obtain work permit outside of the borders of this province shall be carried out by means of the electronic media.

(3) The related authorities shall notify their opinion to the Ministry no later than fifteen days. Opinions that are not notified within the stipulated time shall be deemed positive by the Ministry.

Collecting fee

ARTICLE 14 – (1) Work permit fee shall be collected from applicants or conditional refugees, whose application has been evaluated to be positive, or their employers pursuant to the provisions of the Law No. 492 on Legal Fees dated 2/7/1964.

Duration of work permit

ARTICLE 15 – (1) Work permit may be granted for durations laid down in Article 5 of the Law No. 4817.

(2) In case the duration of work permit issued to an applicant or a conditional refugee is longer than the duration of identification document, a new identification document shall be issued by the Provincial Directorate of Migration Management based on the duration of work permit.

Granting of work permit and notification

ARTICLE 16 – (1) Work permit document or exemption document shall be issued by the Ministry to applicants or conditional refugees and this situation shall be notified to the Ministry of Interior and the employer, if any.

(2) Work permit exemption document shall be issued to applicants or conditional refugees who are deemed appropriate to work at seasonal agriculture or husbandry jobs.

(3) Work permit or work permit exemption documents issued to applicants or conditional refugees shall not substitute the resident permits regulated under the Law No. 6458.

Wage

ARTICLE 17 – (1) Applicants or conditional refugees cannot be paid less than the minimum wage.

Limitation of labor

ARTICLE 18 – (1) Granting work permits to applicants or conditional refugees may be limited by the Ministry in terms of permit type, duration, occupation, sector, line of work, administrative and geographical area. However, these limitations shall not be implemented for refugees and subsidiary protection status holders, who have been residing in Turkey for three years or are married to a Turkish citizen or have a Turkish citizen child.

Cancellation of work permit

ARTICLE 19 – (1) Work permit shall be canceled by the Ministry upon occurrence of a condition stipulated in Article 15 of the Law, upon request of applicants or conditional refugees or their employers or notification by the Ministry of Interior of a finalized deportation decision pursuant to the Law No. 6458.

Invalidation of the work permit

ARTICLE 20 – (1) Work permit document shall become invalid upon its expiration or cancellation.

Working in associations, foundations and non-profit organizations

ARTICLE 21 – (1) The associations holding the status of associations functioning for the public benefit, pursuant to the Law No. 5253 on Associations dated 4/11/2004, and foundations, which are granted tax exemption pursuant to the Law No. 4962 on Amendment of Certain Laws and Granting Tax Exemption to Foundations dated 30/7/2003, may lodge an application to the Ministry for employment of international protection applicants or status holders in humanitarian assistance activities.

(2) Associations not included in the first paragraph; branches or representative offices of associations; federations; confederations and foreign associations as well as Turkey branches or representative offices of non-profit organizations other than associations and foundations based abroad may apply to the Ministry to employ international protection applicants or status holders. However, the consent of the Ministry of Interior shall be sought regarding the applicant organization. Applications from organizations that have failed to receive the consent in question shall be canceled without evaluation.

Vocational training

ARTICLE 22 – (1) Applicants or conditional refugees may receive vocational training and on-the-job training at a workplace within the scope of courses and programs organized under active labor force services by the Turkish Labor Agency. If these persons will be employed at the same workplace at the end of the training period, the related employer must lodge a work permit application.

(2) Workplace employment quota may be implemented differently in applications to be lodged within the scope of this article.

Social security obligation

ARTICLE 23 – (1) Foreigners who obtain work permit and employers who employ foreigners shall comply with their obligations derived from the social security legislation. Administrative sanctions pursuant to the provisions of the Law No. 5510 on Social Securities and General Healthcare Insurance dated 31/5/2006 shall be implemented for those who do not comply with this obligation.

Situations for which there are no provisions

ARTICLE 24 – (1) The related provisions of the Law and the Implementation Regulation on Work Permits of Foreigners shall be implemented for situations in which there are no provisions.

Transitional provisions

PROVISIONAL ARTICLE 1 – (1) Until appropriate technical infrastructure between the Ministry of Interior and the Ministry is ensured for realization of requesting opinion for application of applicants or conditional refugees, who are obligated to reside in a certain province, to obtain work permit outside of the borders of this province by means of electronic media, tools, equipment and methods including electronic mail, which will facilitate communication for requesting opinion and mutual correspondence, shall be used.

(2) Work permit exemption applications of applicants or conditional refugees, who will work at seasonal agriculture or husbandry jobs, shall be lodged to the Ministry until appropriate technical infrastructure is ensured at Provincial Directorates of Labor and Work Institution. Information related to those whose request is deemed appropriate shall be conveyed by the Ministry to the Ministry of Interior.

Enforcement

ARTICLE 25 – (1) This Regulation shall enter into force on the date of its publication.

Execution

ARTICLE 26 – (1) Provisions of this Regulation shall be executed by the Minister of Labor and Social Security.