

MINISTRY OF LABOUR AND SOCIAL SECURITY OF THE REPUBLIC OF TURKEY

IMPLEMENTATION GUIDE REGARDING THE WORK PERMITS OF FOREIGNERS PROVIDED WITH  
TEMPORARY PROTECTION

DIRECTORATE GENERAL OF LABOUR

**Unofficial Translation**

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Reference Document for FTA-BSCI Members

# IMPLEMENTATION GUIDE REGARDING THE WORK PERMITS OF FOREIGNERS PROVIDED WITH TEMPORARY PROTECTION

## CHAPTER ONE

### PURPOSE AND SCOPE, LEGAL FOUNDATION, DEFINITIONS

#### 1.1 Purpose and Scope

The purpose of this guide is to define the procedures and principles regarding the work permits, which shall be issued for foreigners provided with temporary protection, and exemption from work permits that will be provided to those who will be employed in seasonal jobs in agriculture and livestock/animal husbandry, as per the Law No 6458 on Foreigners and International Protection dated 4/4/2013.

#### 1.2 Legal Foundation

This guide has been prepared based on Article 29 of the “Temporary Protection Regulation” dated 22/10/2014, published on Official Gazette No 29153, as per Article 91 of Law No 6458, and Cabinet Decree No 2014/6883 dated 13/10/2014.

At the same time, this guide has been prepared with the purpose of defining the duties and authorities of the Ministry of Labour and Social Security, Governorates, Provincial Directorates of Labour and Labour Institution, and other related institutions; as well as the obligations of those who are under temporary protection and their employers, based on the provisions of “Regulation regarding the Work Permits of Foreigners Provided with Temporary Protection”, which was decided on by the Council of Ministers on 11/1/2016 and published on Official Gazette No 29594 dated 15/1/2016.

#### 1.3 Definitions

Within this Guide:

- a) Ministry: Implies the Ministry of Labour and Social Security,
- b) Provincial Directorate: Implies Provincial Directorate of Labour and Labour Institution
- c) Automation system: Implies the Automation System for Foreigner Work Permits
- d) Foreigner identity number: Implies the 11-digit identity number, which starts with 99, given to foreigners under temporary protection.

## CHAPTER TWO

### EXEMPTION FROM WORK PERMIT IN SEASONAL JOBS IN AGRICULTURE AND LIVESTOCK/ANIMAL HUSBANDRY

#### 2.1 Terms of Application

The application for work permit exemption of those who are under temporary protection are accepted if they meet the terms set out below:

- a) The foreigner has a temporary identification document/foreigner credentials, which states that they are under temporary protection, and a foreigner identity number

- b) As of the date of application for work permit exemption, the minimum temporary protection period of six months is completed
- c) The application is made in the province where the foreigner is given the permit to stay, according to their temporary protection records, and only for employment in seasonal jobs in agriculture and livestock/animal husbandry.

## **2.2 Method of Application and Evaluation**

- a) The application for exemption from work permit is made by the foreigner with a temporary protection identification document/foreigner credentials, at the Provincial Directorate of the province where the foreigner is given the permit to stay.
- b) A query is run by the authorized person at the Provincial Directorate after entering the identity number of the foreigner on the automation system, and the identification details of the foreigner are generated.
- c) If, during the query, it cannot be verified on the Ministry of Internal Affairs records that the foreigner is under temporary protection, and the minimum temporary protection of six months is completed, the automation system will generate an alert that the application cannot proceed.
- d) The registration is completed once the province, where the foreigner under temporary protection requests an exemption from work permit, is selected and saved. If the province code selected does not match the province code of temporary protection given to the foreigner as per the Ministry of Internal Affairs records, the automation system will generate an alert that the application cannot proceed.
- e) In the case that a foreigner under temporary protection with a valid work permit applies for a work permit exemption, the automation system will generate an alert that the application cannot proceed. Only when the valid work permit is cancelled, the application for exemption can proceed.
- f) The foreigner under temporary protection, whose registration is completed and application deemed valid, will be given an information form on work permit exemption that is printed from the automation system.
- g) If the foreigner under temporary protection applies for the cancellation of their work permit exemption at the Provincial Directorate, the cancellation will be completed on the automation system by the Provincial Directorate.

## **2.3 The Scope and Content of the Information Form on Work Permit Exemption**

The following aspects are defined in the information form on work permit exemption, in Turkish and Arabic:

- a) They can only work in seasonal jobs in agriculture and livestock/animal husbandry,
- b) They do not have the right to work in a province other than the one they are provided temporary protection in
- c) The information form on work permit exemption is mandatory to be submitted along with the temporary protection identification document/foreigner credentials
- d) In the case that the foreigner will continue working past the expiry date of the exemption, a new application has to be made to the Provincial Directorate
- e) Whether a foreigner under temporary protection is eligible for the work permit exemption or not can be run through the Foreigner Work Permit Query System ([www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by entering the foreigner identity number,

## **2.4 Notification to Governorates**

The list of foreigners under temporary protection, who are given an information form on work permit exemption for working in seasonal jobs in agriculture and livestock/animal husbandry, is

generated on the automation system by the Provincial Directorates every month, and notified to the Governorates within the first week of the following month.

## CHAPTER THREE WORK PERMIT

### 3.1 Terms of Application

The application of those who are under temporary protection are accepted if they meet the terms set out below:

- a) The foreigner has a temporary identification document/foreigner credentials, which states that they are under temporary protection, and a foreigner identity number
- b) As of the date of application for work permit exemption, the minimum temporary protection period of six months is completed
- c) The application is made in the province where the foreigner is given the permit to stay, according to their temporary protection records
- d) For foreigners under temporary protection, who will work in professions that require prior authorization, the prior authorization document is obtained from the relevant Ministries
- e) The foreigner under temporary protection does not have a work permit issued for another employer, or another ongoing application that has not been finalised

### 3.2 Method of Application

- a) The work permit application is made by employer, who will employ the foreigners under temporary protection.
- b) The application is made online via the e-Government website ([www.turkiye.gov.tr](http://www.turkiye.gov.tr) or [www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by selecting the automation system module specific for foreigners under temporary protection.
- c) The employers who do not have an account on the automation system create an account.
- d) A query is run after entering the identity number of the foreigner on the automation system, and the identification details of the foreigner are generated.
- e) If, during the query, it cannot be verified on the Ministry of Internal Affairs records that the foreigner is under temporary protection, and the minimum temporary protection of six months is completed, the automation system will generate an alert that the application cannot proceed.
- f) In the case that, upon entering the employment address details into the system, the province code selected does not match the province code of temporary protection and residence given to the foreigner, the automation system will generate an alert that the application cannot proceed.
- g) It is obligatory that the information regarding the foreigner and their employer is entered completely, and the employment contract between the foreigner and their employer, as well as a photo of the foreigner, is scanned and uploaded on the system.
- h) If the foreigner is found to have a prior application already in process, the current application cannot proceed.
- i) 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.
- j) The foreigners under temporary protection, who work independently under their own name and account, with the condition that they have a tax identification number, must obtain a work permit following the process of establishing the business. The trade registry gazette, and for 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 the foreigner when the business license is granted.

### **3.3 Evaluation of Work Permit Applications**

The Ministry would reject work permit applications under the conditions set out below:

- 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:
  - a. The Ministry of Health, for members of the medicine profession
  - b. The Ministry of Education or the Chairmanship of Higher Education Council, for members of the education profession
- d) If the evaluation criteria are not met
- e) If the relevant authorities have adverse opinion

### **3.4 Work Permit Document and Notification**

- a) The result of the evaluation, made by the Ministry regarding the work permit application, is communicated online to the employer that would like to employ the foreigner, and the Ministry of Internal Affairs.
- b) For foreigners under temporary protection whose application is deemed appropriate, the work permit granted by the Ministry can be displayed under the “Application Tracker” section of the automation system. Furthermore, the work permit card that is issued by the Ministry will be sent to the employment address via courier.
- c) If the foreigner under temporary protection has to move to a different city as a necessity of their job, this has to be reported to the Provincial Directorate of Migration.

### **3.5 Employment Quota**

The number of workers, working under temporary protection in a workplace, not exceeding ten per cent of the Turkish citizens working in the same workplace constitutes the basis. 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 the 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 work, via an approval by the Provincial Directorate in which the workplace is registered, the quota may not be implemented for the application. For the evaluation of this matter by the Ministry, the employment lists by sector and province, for which the specific application is made, would be taken into consideration.

For each foreigner under temporary protection, whom an employer would like to employ beyond the ten percent of Turkish citizens in that workplace, the employer has to apply to the provincial directorate for the document that states the worker can be exempted from the quota implementation, prior to the work permit application is made to the Ministry.

Within the four weeks following the application made to the directorates by the employer, the relevant provincial directorate evaluates whether a Turkish citizen of the same skillset was available for the position the foreigner under temporary protection is asked to be employed. At the end of the four-week period, if it is identified that no Turkish citizen of same skillset is available for the position, for which the foreigner is to be employed, a document is issued by the

provincial directorate to the employer, stating that the foreigner under temporary protection can be employed.

When the document regarding exemption from employment quota is issued, the SGK registration number of workplace, the occupational code of the applicant, and the number of foreigners that can be employed for the specific occupation, will be expressly noted. For example, “In the workplace with SGK registration number 123...., the request for 15 workers with the occupation code 9312.02 Manual Labourer (Construction) could not be met within the four-week period.”

For work permit applications made by associations under the status of associations working for public welfare, as per the Associations Law no 5253 dated 4/11/2004, and by foundations granted tax exemption, as per the Law Regarding Changes in Certain Laws and Granting Tax Exemption to Foundations no 4962 dated 30/7/2003, to employ foreigners under temporary protection for humanitarian aid activities, the employment quota will not be included in the evaluation.

### **3.6 Vocational training**

Foreigners under temporary protection, given that the minimum temporary protection period of six months is completed, can attend courses and programmes organised by Turkish Labour Institution within the scope of active workforce services, and get vocational and orientation training at a workplace within this scope.

Upon completion of the training, if the foreigner is desired to be employed at the workplace where they received training, the employer has to apply to the Ministry with respect to the procedures and principles set out in this guidance document, and obtain a work permit.

## **CHAPTER FOUR OTHER MATTERS**

1. Foreigners under temporary protection cannot work, and cannot be employed, without valid work permit or an exemption from work permit.
2. The rights and obligations of workers and employers under temporary protection, which arise from the labour and social security legislation or other national legislations, are reserved.
3. Foreigners under temporary protection will be asked to pay the work permit fee, and not the residence permit fee.
4. The “work permit document” and “work permit exemption information form” provided to the foreigners under temporary protection does not substitute the residence permit.
5. If the Ministry deems necessary, the applicant may be requested to submit additional documentation to the ones required at the time of application.
6. Foreigners under temporary protection will be granted a work permit or a work permit exemption of maximum 1(one) year each time.
7. Foreigners under temporary protection, who completed a minimum six month period, can apply to Provincial Directorates of Labour and Labour Institution with the purpose of benefiting the services of the institution as a “job seeker”.

8. With regard to matters that are not regulated under “Regulation regarding the Work Permits of Foreigners Provided with Temporary Protection”, the provisions under the Law on Work Permits of Foreigners and its Governing Regulations shall be applicable.
9. 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/gecikoruma/Pages/YabanciKimlikSorgulama.aspx>, by entering the personal number given to the foreigners, which starts with 98, and running the query.
10. Whether a foreigner under temporary protection has a work permit, or is within the framework of work permit exemption, can be checked via the Foreigner Work Permit Query System ([www.calismaizni.gov.tr](http://www.calismaizni.gov.tr)) by entering the foreigner identity number.

**Annex 1:** Work Permit Document (within the scope of Temporary Protection)

**Annex 2:** Information Form Regarding Work Permit Exemption Granted to Foreigners Under Temporary Protection