

# client alert

EMPLOYMENT LAW | TURKEY |

AUGUST 2016

## TURKEY INTRODUCES INTERNATIONAL LABOUR FORCE LAW

Law No. 6735 on the International Labour Force Law (the “Law”) was published in the Official Gazette on 13 August 2016, abrogating and replacing Law No. 4817 on Work Permits for Foreigners. The Law regulates the new procedures regarding the application for and assessment of foreigner work permits.

### APPLICATION AND ASSESSMENT PROCEDURE

Pursuant to Article 7, an application for a work permit may be made by the foreign worker himself/herself or through the “authorized intermediary institutions”, to the Ministry of Labour and Social Security (the “**Ministry**”) in Turkey or to the embassies and consulates of the Republic of Turkey.

In the event of a lack of information and/or documents in the application, the assessment of such application will be postponed until all information and/or documents are provided. Such postponement period cannot exceed 30 days, except in case of force majeure. If the missing information and/or documents are not submitted in due time, then the application will be cancelled.

Applications will be assessed by the Ministry in accordance with the “international labour force policy”, which will be determined taking into account the decisions of the Advisory Committee of International Labour Force (a committee presided by the Minister of Labour and Social Security).

Foreign workers who are granted a work permit as a result of an application filed abroad to the embassies and consulates must enter Turkey within 6 months as from the issuance date of his/her work permit. Otherwise, the work permit will be cancelled.

Applications for work permit extensions must be filed within 60 days before the work permit’s expiry date.

### PRIOR AUTHORIZATION FOR WORK PERMITS

The Law establishes an obligation to obtain prior authorization from the Ministry of National Education or the Ministry of Health (as the case may be) for foreigners who will work in health and education services, which require specific professional competences.

Applications for extension of the relevant work permits are also subject to the relevant ministry’s prior authorization.

## DURATION OF WORK PERMIT AND TURQUOISE CARD

The duration of a work permit is determined in accordance with the duration of the applicant's employment or service contract.

In any case, the length of the work permit cannot exceed one year for the first application. In case of ongoing employment (with the first employer), the duration of the work permit cannot exceed two years for the second application and three years for the third application.

Foreigners, who have a long-term residence permit or have worked at least 8 years with a work permit, can apply for an indefinite-term work permit that grants them the same rights as those arising from the long-term residence permit.

Foreigners performing a specific professional activity can also be granted a limited-term work permit.

## WORK PERMIT EXEMPTION

Foreigners who are exempt from the work permit obligation can perform their activities only after having obtained a work permit exemption. The procedure to obtain a work permit exemption is similar to that of a work permit.

For instance, the following foreigners may be deemed exempt from the work permit obligation: (i) members (not residing in Turkey) of the Board of Directors of Turkish joint-stock companies, (ii) shareholders (not residing in Turkey) of other Turkish companies, without managing powers, and (iii) cross-border service providers whose activities in Turkey do not exceed 90 days within a 180-day period.

## OTHER IMPORTANT NOTES

As per Article 25 of the Law, the application conditions and principles will be determined by a Regulation to be issued by the Ministry.

All work permits, granted on the basis of former Law No. 4817 on Work Permits for Foreigners, will be valid till their expiry date.

As for the work permit applications that were filed on the basis of former Law No. 4817, the assessment will be made taking into account the most favorable provision either in former Law No. 4817 or the new Law.

*In compliance with Turkish Bar regulations, opinions relating to Turkish law matters included in this client alert have been issued by Özdirekcan Dündar Şenocak Avukatlık Ortaklığı, a Turkish law firm acting as correspondent firm of Gide Loyrette Nouel in Turkey.*

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