

INTERNATIONAL WORKFORCE LAW

Law No. 6735

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SECTION ONE

Purpose, Scope and Definitions

Purpose

ARTICLE 1 - The purpose of this Law is to regulate the determination, application and monitoring of the policies related to employment of international workforce as well as the procedures and principles and the responsibilities and authority related to processes and transactions to be followed on work permits and work permit exemptions granted to foreigners and to regulate the rights and obligations in the field of employment of international workforce.

Scope

ARTICLE 2 - (1) The provisions of this Law apply to foreigners who applied to work or actively working in Turkey; foreigners applied to receive or already receiving vocational training with an employer; cross-border service providers staying in the country for the purpose of providing temporal service; and real persons and legal entities applied to employ or employing foreigners in Turkey.

(2) The procedures and principles regarding foreigners who are exempt from work permit will be conducted in accordance with the provisions of this Law.

(3) This Law shall be implemented without prejudice to provisions of international bilateral or multilateral agreements to which Turkey is party.

Definitions

ARTICLE 3 - For the purposes of this Law, the following terms shall have the following meanings:

- a) Independent work permit: Work permit that qualifies foreigner to work independently on his/her own behalf and account in Turkey,
- b) Ministry: Ministry of Labor and Social Security,
- c) Work Permit: Official document of permission issued by Ministry that qualifies foreigner to work and reside in Turkey within its period of validity,
- ç) Work permit exemption: Official document for exemption issued by Ministry that qualifies foreigner to work and reside in Turkey within its period of validity without obtaining a work permit,
- d) Directorate General: Directorate General of International Workforce,
- e) Legal work permit period: The duration in which foreigner works with a work permit by fulfilling his/her obligations.
- f) Cross-border service provider: The foreigner, who stays in Turkey temporarily for the purpose of providing temporal service and paid by a source in Turkey or foreign country,
- g) Permanent Work Permit: The work permit that enables foreigner to work in Turkey for an unlimited period of time

ğ) Turquoise Card: Document that grants foreigner the right of work permanently in Turkey, and the right of residence to his/her spouse and children who are dependent in line with governing legislation.

h) Long-term residence permit: The residence permit granted in accordance with Article 42 of Law on Foreigners and International Protection, No. 6458, dated 4th April 2013,

1) Foreigner: Person who does not have citizenship bond with the Republic of Turkey;

i) Authorized Intermediary: Institution and organization whose qualifications and framework of task determined by regulation and authorized by the Ministry.

SECTION TWO

Determining and Monitoring the International Workforce Policy

Determining the International Workforce Policy

ARTICLE 4 - (1) Ministry, taking account of the decisions made by International Workforce Policy Advisory Board, is authorized to determine the policy related to international workforce and to engage in activities at national and international level intended to carry out these policy.

(2) International workforce policy shall be determined by taking into account; the mobility of the work force and regional developments as well as decisions of Migration Policies Board, the developments related to employment and business life, periodic sectoral and economic changes, development plans and programs, bilateral economic social and cultural relations as regard to foreigner's country of citizenship, international bilateral or multilateral agreements and conventions to which Turkey is party, public order, public security and public health.

(3) Ministry, in the preparation of international workforce policy takes the opinions of relevant institutions and organizations.

(4) International Workforce Policy Advisory Board, under the presidency of Minister of Labor and Social Security, is comprised of the Undersecretary of the Ministry, Undersecretary of Ministry of European Union Affairs, Undersecretary of Ministry of Foreign Affairs, Undersecretary of Ministry of Economy, Undersecretary of Ministry of Interior, Undersecretary of Ministry of Development, Undersecretary of Ministry of Culture and Tourism and General Director of International Workforce.

(5) Depending on the agenda, representatives of the relevant public institutions, of the professional organizations with public institution status, as well as the representatives of labor and employer confederation represented in the Economic and Social Council shall be invited as board members.

(6) Board shall be responsible to monitor the works on the development of legislation as regard to international workforce, national and international developments and practices, and to suggest policies in line with Turkey's economic, sectoral and regional priorities to the Ministry.

(7) Board decisions shall be taken into account by the Ministry on determining the principles concerning international workforce policy and the foreign labor force needed in Turkey so as to suggest to Migration Board.

(8) The Board shall convene at least ones a year with the agenda set by the Chairman. Secretariat services of the Board shall be executed by General Directorate.

Monitoring and evaluating the international workforce

ARTICLE 5 - (1) Ministry sets up a Foreign Application, Assessment and Monitoring System in order to accept and assess the employment claims of foreigners, and to monitor the effect of international workforce.

(2) Without prejudice to provisions concerning public security, Ministry may request information and document related to foreigners, necessity of employment of foreigners and other matters in the scope of this Law from the public institutions and agencies, and from real persons and legal entities.

3) The procedures and principles related to sharing information shall be determined by the Ministry by taking the opinions of relevant agencies and institutes.

SECTION THREE

Work Permit and Exemption

Authority and responsibility on work permit

ARTICLE 6 - (1) Work permit shall be granted by Ministry on the basis of principles concerning international workforce policy determined pursuant to Article 4.

(2) Foreigners who are within the scope of this Law are forbidden to work or be employed without obtaining work permit.

(3) Foreigners who are specified as exempt from work permit in other laws and international bilateral and multilateral agreements and conventions to which Turkey is party may work or be employed without obtaining work permit pursuant to this Law.

(4) Working rights of persons within the scope of Article 28 of Turkish Citizenship Law No. 5901 of 29 May 2009 are reserved.

Work permit application and assessment

ARTICLE 7 - (1) Work permit applications in Turkey shall be made directly to the Ministry, and the applications abroad shall be made to the embassies or consulate generals of the Republic of Turkey in the foreigner's country of citizenship or legal stay. These applications shall be transferred to Ministry by embassies and consulate generals.

(2) Work permit applications can also be made by authorized intermediary.

(3) Applications for extension of work permit should be made within sixty days prior to the expiration of work permit, and in any case before the expiration of work permit. Applications for extension made after the date of expiration shall be rejected.

(4) Work permit application shall be assessed on the basis of international workforce policies.

(5) If it is deemed necessary by Ministry, opinions of relevant agencies and institutions, and professional organizations with public institution status shall be taken into consideration.

(6) Ministry, in line with the International Workforce Policies Advisory Board's decisions, determines the criteria to be implemented on assessment of work permit and point scoring system.

(7) In case of missing information and documents, assessment of application shall be postponed until such information and documents are submitted. The postponement period can not exceed the thirty days, except the force majeure that caused the delay documented by an official authority. Applications that are not completed during the postponement period shall be rejected.

(8) Duly made application shall be assessed within thirty days on condition that information and documents are complete.

Preliminary permission

ARTICLE 8 - (1) Obtaining preliminary permission is compulsory on the assessment of work permit applications of foreigners seeking to work in healthcare and educational services that require professional competence.

(2) Preliminary permission for professionals of healthcare services shall be granted by Ministry of Health, and for professionals of educational services shall be granted by Ministry of National Education. Occupations that preliminary permission is required shall be determined by the Ministry upon taking the opinions of these Ministries.

(3) On the assessment of foreigners' work permit applications that are granted preliminary permission, the first paragraph, subparagraph (d) of Article 9 of this Law is not applicable.

(4) Work permits of foreign national faculty members who are to work within the scope of Higher Education Law No. 2547 of 4 November 1982, Article 34, shall be granted by Ministry relying on the preliminary permission of Higher Education Council. On the work permit assessment of above said faculty members, fourth, fifth and sixth paragraph of Article 7, and the first paragraph of Article 9 without prejudice to subparagraph (f), (g) and (ğ) are not applicable.

(5) Work permit extension applications are subject to preliminary permission of relevant ministry or Higher Education Council.

(6) Work permit applications lodged by foreign nationals who wish to work as R&D personnel in the companies that own R&D Center Certificate in the scope of Law on Supporting Research and Development Services, No. 5746, dated February 28 2008, may be accepted upon favorable opinion of Ministry of Science, Industry And Technology.

Rejections of work permit application

ARTICLE 9 - (1) Applications that shall be rejected as a result of assessments carried out in accordance with Article 7 of this Law are as follows;

Where the application;

- a) does not comply with the international workforce policy,
- b) contains false or misleading information and documents,
- c) relates to foreigners, whose reason for being employed is found insufficient,
- ç) made for occupations and professions confined exclusively to Turkish citizens in other laws,

d) relates to foreigners who are found to be lacking in the required qualification and expertise,

e) fails to satisfy the criteria determined by the Ministry,

f) relates to foreigners notified by the Ministry of Interior as being in the scope of Law No. 6458, Article 7, 15 and 54,

g) lodged by foreigners whose working in Turkey is objectionable for public order, public security or public health reasons,

ğ) made for the citizens of a country that is not recognized officially by Republic of Turkey or has no diplomatic relations,

h) not made or completed within the legal period of time.

Types of work permits

ARTICLE 10 - (1) In case of favorable assessment of application, foreigners will be granted upmost one year work permit on their first application provided that permit's duration is not exceeding their employment or service contract periods, and that they are employed for a certain job in a certain workplace owned by real person or legal entity, or public institution and public enterprise, or in the workplaces belong to these employers in the same sector.

(2) Upon foreigner's favorably assessed application for extension, lodged in line with Article 7 of this Law, foreigner serving under same employer will be given upmost two years extension on the first application and maximum three years for the ensuing applications. However, applications lodged for employment under different employer shall be assessed as per first paragraph of this Article.

(3) Foreigners holding long-term residence permits or minimum eight years of legal work permit may apply for permanent work permit. However, having the requirements for application shall not confer an absolute right for foreigners.

(4) Foreigners holding permanent work permit shall benefit from the same rights long-term residence permit provide. Holders of permanent work permit, without prejudice to acquired rights with respect to social security, and provided that they are subject to conditions set forth in applicable legislation in the enjoyment of these rights, shall benefit

from the same rights as accorded to Turkish citizens with the exception of the provisions in laws regulating specific areas. Those foreigners have no right to elect and be elected or to enter into public service. And they have no obligation of compulsory military service.

(5) Following partners and associates of companies that are established under the Turkish Commercial Code No. 6102 of 13 January 2011 may work by obtaining a work permit;

a) Managing partner of limited liability companies,

b) Associates of joint - stock companies who are also member to board of directors,

d) Acting (commandite) partners of commandite companies with a capital divided into shares.

(6) Foreign members of profession might be granted independent work permit provided that they satisfy the special terms set forth in other laws.

(7) In the assessment of independent work permit application with respect to international workforce policy foreigners'; educational level, professional experience, contribution to science and technology, effect in-country activities or investments on Turkey's economy and employment, and in case of being foreign company partner the share of capital and other issues determined by Ministry in line with the suggestions of International Workforce Policy Advisory Board shall be taken into consideration.

(8) Independent working permit shall be arranged for defined period of time without being subject to period restrictions in this article.

Turquoise Card

ARTICLE 11 - (1) In line with the international workforce policy foreigners whose application accepted as appropriate with regard to their educational level, professional experience, contribution to science and technology, effect of their in-country activities or investments on Turkey's economy and employment, and the suggestions of International Workforce Policy Advisory Board and procedures and principles determined by the Ministry shall be granted Turquoise Card.

(2) Turquoise Card shall be given on condition that its first three years will be deemed as transition period. Ministry may request information and documents from employer or employed foreigner as regard to conducted activities. In case Turquoise Card is not canceled pursuant to Article 16 within transition period, the transition period reservation that put on in shall be removed upon foreigner's application and he/she shall be granted permanent Turquoise Card. This application must be lodged starting prior to hundred and eighty days of expire date of transition period or in any case before the date of expire. After expiration of transition period, application for removing transition period reservation shall be refused and Turquoise Card shall becomes invalid.

(3) Turquoise Cards owner's spouse and children who are dependent in line with governing legislation shall be given a document that substitutes the residence permit and shows that they are relatives of Turquoise Cards owner.

(4) Turquoise Cards owners shall benefit from the same rights provided by permanent work permit arranged in this Law.

(5) In the application of Turquoise Card; those who have internationally recognized studies in the academic area, and those distinguished in science, industry and technology, areas of which deemed strategic from the point of our country, or those whose export, employment or investment capacity make significant contribution to national economy or expected to make such contributions shall be assessed as qualified foreigners.

(6) Provisions of this article are not applicable to foreigners under temporary protection.

Nature of work permit

ARTICLE 12 - (1) Work permit or work permit exemption granted under this Law shall be deemed as residence permit pursuant to Article 27 of Law No. 6458. However, for that foreigner who has no refugee or secondary protection status defined in Law No. 6458 the residence permit granted for any reason does not give them the right to work.

(2) Foreigner who is granted work permit upon his/her application abroad must come to Turkey within six months after the date of work permit's validity starts. Otherwise the residence permit shall be cancelled.

(3) Without prejudice to the rights provided by the bilateral or multilateral agreements to which Turkey is a party and within the framework of reciprocity principle, the work permits may be restricted for a certain time in agriculture, industry or service sectors and for a certain profession, job or territorial and geographical area, in cases where the conditions in business market and developments in the labor life, sectorial and economic conjuncture conditions regarding employment require.

Work permit exemption

ARTICLE 13 - (1) Foreigners who are in the scope of work permit exemption may work, provided that they obtain a work permit.

(2) Work permit exemption application in Turkey shall be made directly to the Ministry, and such applications abroad shall be made to the embassies or consulate generals of the Republic of Turkey in the country of which foreigner is a citizen or a legal resident. This application shall be transferred to Ministry by embassies or consulate generals.

(3) Work permit exemption applications can also be made by authorized intermediary.

(4) In work permit exemption applications fourth, fifth and seventh paragraphs of Article 7 of this Law shall be implemented.

(5) Upon favorable assessment, applicants will be granted work permit exemption by the Ministry.

(6) Duration spend under work permit exemption shall not be taken into account on calculation of legal work permit or residence permit periods.

(7) Foreign non-resident board member of joint-stock companies that are founded pursuant to Law No. 6102, non-executive partners of other companies, and cross-border service provider whose in-country activities not exceeding ninety days within the period of hundred and eighty days shall be assessed in the scope of work permit exemption.

Applications to be made to Ministry of Foreign Affairs

ARTICLE 14 - (1) Foreigners may work in schools, cultural institutions, institutions of religion belong to foreign diplomatic missions and consulates in Turkey by;

a) obtaining a work permit exemption for working in those that operate as associated unite of said foreign missions,

b) obtaining a work permit for working in those that are not deemed as associated unite of said foreign missions according to Vienna Convention on Diplomatic Relations of 18 April 1961 and Vienna Convention on Consular Relations of 24 April 1963.

(2) Some relatives and the employees who are at special service of; diplomatic staff, consulate officer, administrative and technical staff and consulate attendant in foreign diplomatic missions and consulates in Turkey, and of international officials and administrative and technical staff in international organization in Turkey may work. Requirements for those as follows:

a) Spouses and children, and relatives determined according to reciprocity principle or bilateral agreements with the relevant country should obtain a work permit, without prejudice to provisions as regard to work permit exemption mentioned in this Law and in relevant bilateral agreement and legislation,

b) Foreigners employed for private services should obtain a work permit exemptions.

(3) Domestic applications of work permit or work permit exemption lodged by foreigners specified in subsection (b) of second paragraph in order to work under employers who do not have the same statute stipulated second paragraph is not acceptable.

(4) Applications within the scope of this Law shall be made to Ministry of Foreign Affairs. Applications that are deemed appropriate shall be conveyed to Ministry. For issuance of work permit and work permit exemptions the favorable opinion of Ministry of Internal Affairs is necessary.

Validity and cancellation of work permit and work permit exemption

ARTICLE 15 - (1) In case of expiration or cancellation by Ministry work permits and work permit exemptions loss their validity.

(2) Apart from the reason of foreigner's or employer's own claim, work permit and work permit exemption shall be cancelled in the case of foreigner;

a) does not arrive at Turkey within six months as of the date of work permit's or work permit exemption's validity starts,

b) whose validity period of passport or the documents that substitutes passport are not extended, save for the presence of favorable opinion of the Ministry of the Interior or Ministry of Foreign Affairs,

c) is found working in contradiction of the provision of this Law,

ç) whose work terminated for whatever reason,

d) whose work permit application is found afterwards as made by false and misleading information and documents,

e) is within the scope of Article 11 and has not submitted the required information and documents in the period of transition, or has lost his/her qualifications.

f) is notified by Ministry of Interior as being in the scope of Law No. 6458, Article 7, 15 and 54.

g) whose working in Turkey notified by relevant state institutions and organizations as objectionable for public order, public security or public health reasons,

ğ) uninterruptedly stays outside of Turkey exceeding six months of his/her temporary work permit duration, and exceeding one year of his/her permanent work permit and independent work permit duration for reasons other than force majeure such as health and compulsory public service.

h) who owns Turquoise Card stays outside of Turkey longer than the period determined by the Ministry.

SECTION FOUR

Exceptions

Foreigners who may be granted work permit exceptionally

ARTICLE 16 - (1) In line with the international workforce policy determined by Ministry, the foreigners that may be exempted from the implementation of Article 7, 9, and 10 are those;

- a) assessed as qualified workforce due to their educational level, wage, professional experience, contribution to science and technology and such like qualifications,
- b) assessed as qualified investor due to their contribution to science and technology, their level of investment or export value, volume of employment they provide and such like qualifications,
- c) employed by his/her employer for a certain period in a project which is being realized in Turkey,
- ç) declared by Ministry of Interior or Ministry of Foreign Affairs as of Turkish origin,
- d) citizens of Turkish Republic of Northern Cyprus,
- e) citizens of the countries that are member of the European Union,
- f) in the scope of Law No. 6458; applicants of international protection claim, conditional refugees, persons under temporary protection and stateless persons, victims of human trafficking supported by the victim's assistance process,
- g) married with a Turkish citizen and live in Turkey with their spouse with marriage bond,
- ğ) employed in foreign missions without diplomatic inviolability,
- h) internationally reputed for their successes in their field and come to Turkey for scientific, cultural and sportive purposes,
- ı) cross-border service providers.

Foreigners in the scope of international protection

ARTICLE 17 - (1) Foreigners who made an international protection claim according to Law of Foreigners and International Protection, No. 6458 and final decision regarding the application is pending and conditional refugees may apply for work permit or work permit exemption after six months from the date of application, and those under temporary protection after six months from the issuance date of temporary international protection identity document.

(2) For granting work permit or work permit exemption to the foreigners, who are entitled to apply in the scope of first paragraph, Ministry of Interior's favorable opinion shall be required.

(3) Having a valid work permit and work permit exemption shall not confer an absolute right of residence for those foreigners.

(4) Work permit can be given for the periods stated in Article 10.

(5) Work permit and work permit exemption granted shall be cancelled by the Ministry where;

a) Ministry of Interior notified that the application of international protection is withdrawn or considered withdrawn pursuant to Article 77 of Law No. 6458, the international protection status have been terminated in accordance with Article 85, or cancelled in line with Article 86,

b) Council of Ministers decided or Ministry of Interior notified that the temporary protection provided by virtue of Article 91 is terminated by Council of Ministers' Decision or on an individual basis or cancelled.

(6) The principles and procedures concerning execution and limitation on the work and work permit or work permit exemption application rights of applicants of international protection, beneficiary of international protection statute and temporarily protected foreigners shall be determined by the Ministry in consultation with Ministry of Interior, taking into account the Migration Policies Board decisions and Ministry's international workforce policy as regard to province, duration, sector, line of business, work, profession.

Free trade zone personnel and the provisions not applied

ARTICLE 18 - (1) Work permit applications of foreigners planning to work in free trade zones in the scope of Free Trade Zone Law, No. 3218, dated 6 June 1985, shall be made to Ministry of Economy. Foreigners who are considered appropriate for work permit upon favorable assessment of Ministry of Economy shall be notified to Ministry.

(2) Foreigners who are notified as within the scope of this Article by Ministry of Economy shall be granted work permit by the Ministry without prejudice to Article 9, subparagraph (f), (g) and (ğ) of first paragraph.

(3) Articles 22, 23 and 24 of this Law are not applicable in free trade zones that are within the scope of Law No. 3218. In the matters regulated in aforementioned articles provisions of Law No. 3218 shall be applied.

Foreign students

ARTICLE - 19 (1) Foreign students enrolled in formal education programs at universities or higher education of Turkey may work provided that they obtain work permit.

(2) Those receiving education at the level of two-year degree or undergraduate study may apply for a work permit after completing their first year and work part time in accordance with Labor Law No. 4857 of 22 May 2003. This restriction is not applicable to postgraduate students enrolled in formal education programs.

(3) Work permits granted to foreign students will not cancel their valid student residence permit and the rights it provides.

(4) The principles and procedures governing the right to work for students will be jointly regulated by the Ministry and the Ministry of Interior within the framework of the principles determined by the Migration Policies Board.

(5) In case the foreign students who completed their higher education in Turkey apply for work permit within one year as of the date of graduation, the application shall be assessed in line with the principles determined by International Workforce Policies Advisory Board

Foreign Engineers and Architects

ARTICLE 20 - (1) Foreigners who have assumed the title of engineer and architect by graduating from engineering or architecture faculty of a Turkish university or from the said faculties of foreign universities which are recognized by relevant country authorities abroad and the Higher Education Council (YÖK) in Turkey may practice their professions by obtaining project-based and temporary work permit.

SECTION FIVE

Appeal, Obligations, Inspection and Fines

Administrative appeal and judicial remedies

ARTICLE 21 - (1) The decision about the rejection of work permit or work permit exemption and cancellation of the issued documents shall be notified to the employer who are employing foreigners and to the foreigners working independently, or to the holders of permanent work permit and Turquoise Card, in accordance with the Notification Law No. 7201 of 11 February 1959.

(2) Those concerned may object to Ministry's decisions taken in the scope of this Law within thirty days following the notification of the decision by filing an appeal to the Ministry. In case of refusal they may appeal to administrative court.

Obligation of notification and obligation of social security

ARTICLE 22 - (1) The employers of foreigners and holders of independent or permanent work permit are obliged to notify the Ministry; on the start and termination of work in the scope of work permit and work permit exemption, and on the cases that requires cancellation of work permit and work permit exemption within fifteen days.

(2) Holders of work permit and work permit exemptions and the employers who are employing foreigners shall fulfill their obligation stipulated by social security legislation in accordance with the provisions of Social Security And General Health Insurance Law No. 5510, dated 31 May 2006, within the prescribed time.

(3) The provisions of security agreements to which Turkey is party are reserved.

Supervisory power

ARTICLE 23 - (1) Foreigners and employers in the scope of this Law shall be supervised by Ministry Labor Inspectors and the Social Security Institution inspectors authorized with audits and checks with respect to above mentioned foreigners' and employers' fulfillment of obligation stipulated by this Law. The inspections, supervising and investigations conducted pursuant to this Law shall be carried out in accordance with the provisions of mandatory legislation as regard to inspection, supervising and investigation, and relevant sanction shall also be applied accordingly.

(2) In case foreigners' and employers' violation of above mentioned obligations stipulated by this Law detected by auditors of public administrations and law enforcement agencies as per their regulations shall be notified to Ministry.

(3) Upon conducted inspections and notifications as per the first and second paragraph, and in line with the submitted official reports, the sanctions set forth in this Law shall be imposed by Provincial Directorate of Work and Labor Agency.

(4) Administrative fines imposed pursuant to this Law shall be paid within one month as of the date of its notification.

(5) Pursuant to this Law;

a) In case of failure to fulfill obligation of notification following amounts of administrative fines shall be imposed;

1) For foreigner working independently or with permanent work permit, 400.00 TL

2) For employer who employs foreigners 400.00 TL for each employee,

b) In the absence of work permit following amounts of administrative fines shall be imposed,

1) For foreigner working dependently without a work permit 2.400.00 TL,

2) For foreigner working independently without a work permit 4.800.00TL

3) For employer or employer representative who employs foreigners without work permit 6.000.00 TL for each foreigner.

(6) In case of recurrence of offences specified in fifth paragraph administrative fines shall be doubled.

(7) Administrative fines imposed pursuant to this Law shall be registered as revenue in the general budget.

(8) Foreigners working without a work permit shall be notified to Ministry of Interior in order to be deported.

(9) Employer or employer representative is obliged to bear the costs of accommodation charge, expenses for return to their country and health expenses when necessary related to foreigner who has no work permit and his/her spouse and children if any. In case of these charges, expenses and spending are covered by Directorate General of Migration Management's budget, the amounts paid as per this Law shall be collected from employer or employer representative in line with the Law on Procedures of Collection of Public Receivables No 6183 of 27 July 1953. Procedures and principles related to implementation of this article shall be determined jointly by Ministry of Interior and Ministry.

SECTION SIX

Miscellaneous Provisions

Issuance and format of work permit and work permit exemption

ARTICLE 24 - (1) Work permit and work permit exemption shall be issued separately for each foreigner and for a period sixty days shorter than the validity period of the foreigner's passport or the documents that substitute passport.

(2) Format and content of the work permit and work permit exemption documents shall be determined by Ministry. Printing and distribution of these documents shall be administered by the ministry. The principles and procedures as regard to the collecting of valuable paper rates shall be jointly determined by The Ministry and the Ministry of Finance.

Regulation

ARTICLE 25 - (1) Following subjects related to this Law shall be determined by a Regulation issued by Ministry.

- a) Terms and processes of application and also the scope, type and duration of work permit and work permit exemption,
- b) Foreigners and their field of work that may be assessed in the scope of work permit exemption,
- c) Information and documents that will be required from foreigners and employers,
- ç) Duration, scope, content and notification methods as regard to receiving opinion from the relevant institutions and organizations,
- d) Exceptional implementation of work permit provisions, and following qualifications of those that may be included in this scope; foreign real persons' educational level, wage, professional experience, contribution to science and technology; company partner's share; legal entities' level of investment or export value, volume of employment they provide and suchlike,
- e) Provisions related to exceptional implementation of Article 7, 9, 10 to foreigners, according to Article 17,
- f) Determination of the criteria to be implemented on assessment and rejection of work permit and point scoring system,
- g) Matters related to issuing and submitting of documents,
- ğ) Matters related to cancellation and invalidity of work permit,
- h) Definition and types of cross-border service providers, and other issues related to those specified in this scope,
- ı) Matters related to foreigners that may be granted exceptional work permit pursuant to Article 17 on condition of being employed for a project, and to the nature of these project,

i) Procedures and principles regarding the nature, framework of task and authorization of authorized intermediary,

j) Subjects that may require similar regulations and notifications related to them,

k) Other matters related to implementation.

(2) Procedures and principles related to following subjects shall be determined by a Regulation issued jointly by Ministry and the Ministry of Economy.

a) Application and issuance of work permits related to foreigners who wish to work in free trade zones in the scope of Free Trade Zone Law, No. 3218,

b) Definition of personnel who will be granted work permit in order to work in foreign-capitalized companies and institutions within the scope of Foreign Direct Investment Law No. 4875 of 5 June 2003, and also other specific procedures and principles as regard to work permits.

Provisions referenced

ARTICLE 26 - (1) The references made to Law on The Work Permit for Foreigners No. 4817 of 27 Feb. 2003 in other legislations shall be deemed as made to this Law.

(2) The terms "work permit exemption confirmation certificate" or "work permit exemption certificate" included in other legislations shall be interpreted as "work permit exemption" included in this Law; and the term "work permit certificate" shall be interpreted as "work permit".

Repealed and amended provisions

ARTICLE 27 - (1) In the Law on Union of Chambers of Turkish Architects and Engineers No. 6235 of 27 January 1954,

a) Article 34 is amended to read as follows;

"ARTICLE 34 - Foreign contractors and entities may employ foreign engineer and architect in engineering and architectural related works they contracted with government departments, or public or private enterprises and individuals, ex-officio or together with domestic foundations, and provided that exclusively to such works, with a work permit granted by Ministry of Labor and Social Security upon taking the opinion of Union of Chambers. In the opinion of Union of Chambers provided according to this article, determination of diploma equivalency in line with Law on Higher Education, No. 2547 dated 4 November 1981 is not required for foreign members of profession who received their diplomas from high schools abroad."

b) Article 35 is amended to read as follows;

"ARTICLE 35 - Foreign national engineers and architects may be employed in the works which are not in the scope of article 34 with a work permit granted by Ministry of Labor and Social Security upon taking the opinion of Union of Chambers."

(2) In the Law of Negotiable Instruments No. 210 of 21 February 1963, the Appendix of Negotiable Instruments Table,

a) line 4 amended to read as follows,

"4. Residence permit 58.50 TRY"

and following lines are added.

"16. Foreigner work permit document 58.50 TRY

17. Work permit exemption document 58.50 TRY."

(3) In Turkish Act on Fees No. 492 of 2 July 1964;

a) In the 6 subparagraph of first paragraph of Article 1, the phrase, ", work permit, work permit exemption" is added to follow the phrase, "residence permit".

b) Title of Section Six is amended to read as "Fees of Passport, Residence Permit, Work Permit, Work Permit Exemption, Visa and Ministry of Foreign Affairs Certification Fees".

c) In the first paragraphs of Articles 83 and 93 the phrase, "work permit, work permit exemption" is added to follow the phrase "residence permit".

ç) In the first paragraphs of Articles 84, 89 and 94 the phrase, ", work permit, work permit exemption" is added to follow the phrase, "residence permit".

d) The phrase, ", work permit, work permit exemption" is added to follow the phrases, "residence permit" that are present in the first sentence of first paragraph of Article 85 and in the subparagraph (g) of same paragraph.

e) Subparagraph (h) of first paragraph in Article 88 is amended to read as follows and below subparagraph is added to same paragraph;

"h) Foreigners who are granted work permit or work permit exemption by Ministry of Labor and Social Security."

"i) Holders of Turquoise Card and their foreign spouses, and minor and dependent children of them and their spouses."

f) In the first paragraph of Article 90; the phrase, "from the documents of work permit and work permit exemption" is added to follow the phrase, "from the renewed residence permits"; and the phrase, "of documents of work permit and work permit exemption" is added to follow the phrase, "of missing residence permits."

g) Title of Tariff (6) is amended to read as "Fees of Passport, Residence Permit, Work Permit, Work Permit Exemption, Visa and Ministry of Foreign Affairs Certification Fee."

ğ) Part IV of Tariff (6) is amended as follows,

"IV - Work Permit or Work Permit Exemption Issued For Foreigners:

1. Temporary Work Permit and Work Permit Exemption Certificate:

Up to 1 year (including 1 year) (Extensions are subjected to same fees for each year.):

500 TRY

2. Permanent Work Permit Certificate: 5.000 TRY

3. Independent Work Permit Certificate: 5.000 TRY

Ministry of Foreign Affairs is authorized to determine the work permit certificate fees according to reciprocity principle. Work permit exemption certificate issued for a period shorter than three months, and those issued for holders of Turquoise Card and their foreign spouses and minor and dependent children of them and their spouses are not subject to any fee."

(4) In The Law on Higher Education, No. 2547 of 4 November 1981 the phrase, " Shall be notified to Ministry of Interior by The Council of Higher Education and upon the favorable opinion received within two months" is amended as "Upon the work permit issued by Ministry of Labor and Social Security following the preliminary permission of The Council of Higher Education."

(5) In the Law on The Organizations and Duties of Ministry of Labor and Social Security, No. 3146, dated 9 January 1985;

a) In the first paragraph of Article 2, the following subparagraph is added to follow subparagraph (d), and the present succeeding subparagraphs shall be continued accordingly,

"e) Determine the policies related to international workforce and to engage in activities at national and international level intended to carry out these policies,"

b) In the first paragraph of Article 8, the following subparagraph is added to follow subparagraph (d), and the present subparagraph (e) shall be continued as subparagraph (f),

"e) Directorate General of International Workforce,"

c) Subparagraph (h) of first paragraph of Article 9 is repealed.

ç) ARTICLE 12/A is added to follow ARTICLE 12, and the present ARTICLE 12/A shall be continued as ARTICLE 12/B,

“Directorate General of International Workforce

ARTICLE 12/A - Duties of Directorate General of International Workforce are as follows;

a) Engage in activities at national and international level as regard to employment of foreigners and workforce migration, carry out acts and transactions on work permits and work permit exemptions.

b) Determine the policy related to international workforce and to engage in activities at national and international level intended to implementation of this policy.

c) Contribute to negotiation, preparation and modification of workforce agreements and social security contracts that will be entered into with foreign countries,

d) Carry out acts and transactions related to workforce migration.

e) Prepare and carry out national and international projects relating to international workforce.

f) Collect data related to qualification of foreign employees and Turkish citizens living abroad by using Application, Assessment and Monitoring System, and analyze and report these data.

g) Carry out works or studies relevant to its assigned position on forming national migration policy.

h) Exchange correspondence with international organizations and institutions operate in the scope of its assigned position, and carry out works and studies with them.

i) Follow the international trends, potential and mobility of workforce and develop policies in order to provide a competitive advantage for our country.

j) For the purpose of attracting high-grade workforce to the country, engage in introductory activities abroad, attend national and international fairs and organizations, and set up publicity offices when necessary.

k) Improve the cooperation with the relevant institutions, organizations and countries by following the international developments in the cultural, artistic, economic and sportive areas, and run joint projects when necessary.

l) Engage in activities intended to attract qualified work force living abroad that are internationally reputed for their successes in any field of strategic importance by means of their educational level, professional experience and contribution to science and technology.

m) Engage in activities to attract foreign brain drain consist of qualified man power in the areas of science, technology and R&D to our country.

n) Provide secretary services for International Workforce Policies Advisory Board.

o) Carry out similar tasks assigned by Ministry."

d) In the first paragraph of Article 26, the phrase, "Directorate General of International Workforce" is added to follow the phrase, "Director General of Occupational health And Safety."

e) In the Table of Appendix (1), under the Column of Main Services Unit; the following line is added to follow line (4) and the present line (5) shall be continued as line (6).

"5. " Directorate General of International Workforce"

(6) In the first paragraph of Article 12 of the Free Zones Law, No. 3218 of 8 June 1985 the phrase, "Law on The Work Permit for Foreigners, No. 4817" is removed from the text.

(7) Law on The Work Permit for Foreigners, No. 4817 of 27 February 2003 is repealed.

(8) In the Article 3 of Foreign Direct Investment Law No. 4875 of 5 June 2003, second, third and fourth sentences of subparagraph (g) are repealed.

(9) In the first paragraph of Article 12 of Law No. 5901 of 29 May 2009 the following subparagraph is added to follow subparagraph (a), and the present succeeding subparagraphs shall be continued accordingly.

" b) Foreigners who are granted residence permit in line with the Law on Foreigners And International Protection, No. 6458 of 4 April 2013, Article 12, first paragraph subparagraph (j), and holders of Turquoise Card and their foreign spouses, and minor and dependent children of them and their spouses."

(10) Amendments on the Law on Foreigners and International Protection, No. 6458 of 4 April 201 are as follows:

a) Following subparagraph is added to first paragraph of Article 3.

"y) Authorized Intermediary: Institution and organization whose qualifications and framework of task determined by regulation and authorized by the Ministry,"

b) Following paragraph is added to Article 21.

"(7) Residence permit applications can also be made by authorized intermediaries."

c) The second sentence in the first paragraph of Article 27 is repealed.

ç) Following subparagraphs are added to first paragraph of Article 31; second paragraph is amended to read as follow; and following paragraph is added to article.

"j) Those who are not working in Turkey but are going to invest in the extend an amount determined by the Council of Ministers, and their foreign spouse, and minor and dependent children of them and their spouse

k) Citizens of Turkish Republic of Northern Cyprus"

"(2) Short-term residence permits, with the exception of subparagraphs (j) and (k), shall be issued with maximum two years duration at a time."

"(5) Residence permits within the scope of subparagraph (j) and (k) of the first paragraph shall be issued with maximum five years duration."

d) In Article 33 subparagraph (c) of first paragraph is repealed and the following paragraph is added to article.

"(2) Procedures and principles as regard to cancellation of residence permit with respect to duration of staying out of country shall be determined by regulation."

e) The phrase "two years" in the first paragraph of Article 34 is amended as "three years.

f) In Article 36 subparagraph (d) of first paragraph is repealed and the following paragraph is added to article.

"(2) Procedures and principles as regard to cancellation of residence permit for the duration of staying out of country shall be determined by regulation."

g) Following paragraph is added to Article 38.

"(5) Foreigners who come to Turkey through the medium of state institutions and organizations with the purpose of receive education can be given residence permit during the period of their study."

ğ) In the first sentence of first paragraph of Article 41, the phrase, "formal" is added to follow the phrase, "in Turkey", and the phrase, "shall not exceed maximum twenty-four hours in a week" present in the second sentence of the same paragraph is amended as "shall be regulated by relevant laws.

h) In the subparagraph (d) of third paragraph of Article 105 the phrase, "concerning the foreign labor force needed in Turkey, in line with the suggestions of the Ministry of Labor and Social Security, as well as the foreign seasonal workers to be employed in agriculture, in line with the views of the Ministry of Food, Agriculture and Livestock" is amended as "concerning the foreign labor force needed in Turkey."

(11) The created cadres included in annexed list of this Law are added to Ministry of Labor and Social Security part of annexed Table (1) of Decree Law on General Cadre and Related Procedures, No. 190 of 13 December 1983

Transitional provisions

PROVISIONAL ARTICLE (1) - Work permits granted by Ministry or other public institutions and agencies authorized in special laws in accordance with the legislation in force prior to enactment of this Article shall be valid until the expire date. These work permits shall become invalid upon expiration or cancellation pursuant to Article 16.

(2) Temporary work permits granted by Ministry in accordance with the legislation in force prior to enactment of this Article and hold good shall be valid unless they are not cancelled.

(3) Where the work permit applications are made and not finalized before the enactment date of this Article, the provisions of the law in force at the time of application which is in favor of the foreign applicant shall be applied.

(4) Until the regulations pertaining to the implementation of this Law become effective, the provisions of the current regulations that are not in conflict with this Law shall continue to apply.

(5) Minister of Labor and Social Security are authorized to relocate the deputy director general and head of department positions without the need for any other process within six months as of the date of this Law comes into force.

Enforcement

ARTICLE 28 - (1) This Law shall enter into force as of the date of issuance.

Execution

ARTICLE 29 - (1) The provisions of this Law shall be implemented by the Council of Ministers.