

Refugee
Rights

Turkey

Mülteci
Hakları

Merkezi

ACCESS TO LABOR MARKET
for Persons Seeking International Protection in
Turkey

QUESTIONS & ANSWERS

REFUGEE RIGHTS TURKEY: FREE LEGAL COUNSELLING & ASSISTANCE FOR REFUGEES

Türkiye’de Uluslararası Koruma Arayan Kişiler İçin
İŞGÜCÜ PİYASASINA ERİŞİM

I have submitted an application for international protection in Turkey. Can I work legally?

Persons seeking international protection are required to obtain a work permit in order to be able to work legally. Law No. 6458 on Foreigners and International Protection provides three types of international protection. These are “refugee, “conditional refugee” and “subsidiary protection”. For detailed information on these three types of international protection, please refer to our brochure “International Protection in Turkey: Rights & Obligations”.

According to the provisions of Law on Foreigners and International Protection, individuals with pending international protection applications are entitled to apply for a work permit six months after the submission of their international protection application.

As a general rule, applications for work permits should be made by the employer. The Ministry of Labor and Social Security is entrusted with the mandate to receive, assess and make final decisions concerning work permit applications.

I have been granted conditional refugee status. Do I need a work permit?

As is the case with international protection applicants, conditional refugees are also required to wait for 6 months prior to making an application for a work permit.

If your international protection application is decided in less than 6 months, you must wait until 6 months has passed before applying for a work permit.

I have been granted refugee status/I have been granted subsidiary protection? Do I need a work permit?

Refugees and subsidiary protection holders can work dependently or independently upon being granted status. Persons who have been granted refugee status shall be issued an identity document bearing the Foreigners ID Number starting with 99. The validity period of this

document is 3 years. Persons who have been granted subsidiary protection status will also be issued an identity document bearing the Foreigners ID Number starting with 99 but the validity of the document is 1 year. Both documents are free of charge, renewable where necessary and shall serve as a substitute for a residence permit.

These identity documents will also serve as a substitute for a work permit. The authorizations will be written in the identity document. Thus, persons granted refugee or subsidiary protection status do not need to separately apply to obtain a work permit.

What is a dependent work permit? What is an independent work permit? What is the difference?

Key provisions concerning work permits for foreigners are laid down in Law No. 4817 on Work Permits for Foreigners and its Implementation Regulation. According to the Law No. 4817, a work permit issued for a specific workplace or employer is called a dependent work permit. An independent work permit, on the other hand, allows the person to work legally without being dependent on a particular workplace or employer.

It is critical to note that persons seeking international protection and persons granted conditional refugee status as well as stateless individuals are subject to an “exceptional” regime. That is, these individuals may be granted work permits regardless of time frames established under Law No. 4817 on Work Permits for Foreigners.

Are there any restrictions in the access to labor market in Turkey?

According to the applicable domestic legislation, foreigners are prohibited from undertaking certain jobs or occupations. These jobs/occupations include the following: (I) dentist, nurse, midwife, pharmacist, (II) veterinarian, (III) lawyer, public notary, (IV) security at a private or public institution, (V) director of a private hospital, (VI) customs consultant as well as (VII) sea captain, seaman, fisherman, diver and similar jobs within territorial waters.

Are there any additional requirements for work permits?

Persons who shall work in health and education sectors are required to obtain preliminary permission. Members of the health profession are required to approach the Provincial Directorate of Health to obtain preliminary permission. Members of the education profession should either approach the Ministry of National Education or the Council of Higher Education depending on the nature of the job.

How are applications for work permits assessed?

Key provisions concerning work permits for foreigners are laid out in Law No. 4817 on Work Permits for Foreigners and its Implementation Regulation. As stated above, as a general rule, work permit applications should be made by employers.

According to the applicable legislation employers are required to fulfill a number of criteria in order to be able to recruit a foreigner. These include:

(I) The employer must employ at least 5 Turkish nationals in the workplace.

(II) The employer should have reached a certain threshold in paid capital or in gross sales or in previous year's export volume.

(III) Fees and salaries should be compatible with the required qualifications. To this end, there are "multipliers" determined by the Ministry of Labor and Social Security. For instance, a salary to be paid to an engineer or an architect cannot be lower than 4 times of the minimum wage.

Please consult www.calismaizni.gov.tr for detailed information on these criteria.

It is also important to note the Ministry of Labor and Social Security shall not apply the second criterion to work permits made by associations and foundations. The Ministry of Labor and Social Security shall also not apply the first and the second criteria to work permit applications for persons who will be working in the representations of foreign airlines, to the education sector and to persons who will be employed for housework.

Throughout the evaluation process, updates are regularly communicated to employers via e-mail. Alternatively, your employer may also check the status of your application via the website of the Ministry of Labor and Social Security.

Is there any other information that I should be aware of?

Please be informed that you are required to begin your job/occupation within 30 days of being granted a work permit. Your employer is also under the obligation to report your start date to the Ministry of Labor and Social Security within 15 days.

Can I work elsewhere with my work permit?

As a general rule, as work permit applications are made by employers and as work permits for foreigners are granted for a particular workplace (or household), your work permit shall cease to be valid, regardless of its duration, if you leave your job. Similarly, you cannot work in multiple workplaces with a single work permit.

Thus, if you wish to undertake a job in a different workplace, your new employer is required to make a new application on your behalf. Please be informed that this new application shall not automatically lead to the cancellation of your work permit. However, should you receive a new work permit, the former shall be annulled by the Ministry of Labor and Social Security. You are also required to return your previous work permit to the Ministry of Labor and Social Security within 1 week following the receipt of your new work permit.

Will my work permit continue to be valid if I am dismissed?

As stated above, as a general rule, work permits for foreigners are bound to a specific workplace (or household). Thus, should your employment contract be terminated for any reason and should you wish to continue to work in another workplace, your new employer is required to make a new application.

I am employed with a work permit. What are my rights?

Your employer cannot pay you a wage lower than the legally determined minimum wage. If your employer claims that you are not eligible for minimum wage due to your nationality, they are being dishonest. All employees, regardless of nationality, are entitled to minimum wage.

According to the applicable social security legislation, your social security coverage is not conditional upon citizenship. Your employer is under the obligation to register you in the social security system and pay your social security premium on a regular basis. Employers who fail to comply with these requirements risk facing heavy administrative fines. If your employer has failed to pay your social security premium, you have the right to approach to the Regional Directorate of Labor and Social Security and file an application.

Your application should include relevant documents that demonstrate your work status. If you do not have any of these, you may also provide witness statements. Alternatively, you may call number 170, the Hotline of the Ministry of Labor and Social Security, to denounce employers who have failed to comply with legal requirements.

However, if you are working in the areas of seasonal agriculture or animal husbandry with a work permit exemption, you are subjected to a different regime. In this case, your employer is obligated to register you in the social security system only if your total duration of work exceeds 30 days.

What are my rights if I have an accident while I am working?

Work-related accidents are not confined to accidents in your workplace. Accidents that take place while you are doing a work-related task elsewhere also fall under the work-related accidents category.

Your employer may be responsible for immediate or subsequent physical and/or psychological injuries arising from work-related accidents.

Your employer is obligated to report the accident within three days to the Regional Directorate of Labor and Social Security. Should your employer fail to do so, you may also report it in person. It is important to enclose all relevant documents with your report.

What if I work without a work permit?

It is legally prohibited to work without a work permit or work permit exemption. Both the employer and employee may face administrative fines.

Refugee Rights Turkey- Contact Information:

Wherever you may be in Turkey, you are welcome to visit our office or get in touch with us by telephone, fax or email all week days from 10:00am to 17:00pm in relation to any questions you may have regarding your rights and obligations as asylum seekers and any problems you may encounter in the legal procedures for asylum in Turkey.

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This resource is produced by **Refugee Rights Turkey** within the context of a project run in co-operation with U.S.A. based **Refugee Solidarity Network** and **Dutch Council for Refugees** and supported by **US Department of State, Bureau of Population Refugees, and Migration**.



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Refugee Solidarity Network



US Department of State
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