

Mülteci  
Hakları  
Merkezi

Refugee  
Rights  
Turkey

**Access to Labor Market**  
for Syrian Refugees and Other Persons under  
“Temporary Protection”

QUESTIONS & ANSWERS

REFUGEE RIGHTS TURKEY: FREE LEGAL COUNSELLING & ASSISTANCE FOR REFUGEES

“Geçici Koruma” Uygulaması  
ve  
İşgücü Piyasasına Erişim

SORULAR & YANITLAR

İNGİLİZCE



# I am a refugee from Syria. Can I work legally in Turkey?

Syrian nationals as well as refugees and stateless persons from Syria who have arrived to Turkey en masse or individually are granted “temporary protection” status. Persons under “temporary protection” are entitled to apply to obtain a work permit six months after the completion of “temporary protection” registration.

As a general rule, applications for work permits for persons under “temporary protection” should be made by the employer via e-Government gateway. The Ministry of Labor and Social Security is entrusted with the mandate to receive, assess and make final decisions concerning work permit applications.

## Is it possible to get a work permit exemption?

Turkey adopted the “Regulation on Work Permits of Foreigners under “Temporary Protection”” in January 2016. According to this regulation, persons who are under “temporary protection” are eligible for work permit exemptions in two sectors: seasonal agricultural or husbandry jobs. However, please be informed that this exemption is not granted automatically and thus, requires an application.

Work permit exemption applications should be made to the governor’s office of the province where your “temporary protection” is granted. The governor’s office shall communicate these applications to the Ministry of Labor and Social Security and inform the applicants upon the positive response of the said Ministry.

It is critical to note that the work permit exemption for these two sectors, seasonal agricultural or husbandry jobs, will only be given for the provinces where “temporary protection” status is granted.

## **Are there any restrictions in access to the 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 additional requirements for work permits?**

Persons who are under “temporary protection” and who shall work in health and education sectors are required to obtain preliminary permission. The Regulation explicitly states that work permit applications for these sectors lacking preliminary permission as a supporting document shall be denied without further evaluation.

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 down 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.

Normally, according to the applicable legislation employers are required to meet a number of criteria in order to be able to recruit a foreigner. This includes employing at least 5 Turkish nationals and reaching a certain threshold in paid capital or in gross sales or in the previous year's export volume. However, the Ministry of Labor and Social Security authorities have stated that employers wishing to recruit persons under "temporary protection" are exempted from this set of criteria.

Throughout the evaluation process, updates are regularly communicated to the 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?

The Regulation on Work Permits of Foreigners under "Temporary Protection" introduces an employment quota system. According to the regulation, the number of foreigners under "temporary protection" employed in a workplace cannot be more than 10 per cent of Turkish citizens employed in the same workplace. In addition, the regulation further states that workplaces having less than 10 employees in total shall only be allowed to recruit maximum 1 person covered under "temporary protection".

However, should the employer be able to demonstrate that there are no Turkish citizens with the same qualifications found to perform the tasks expected of the foreigner within four weeks prior to the date of work permit application, the Ministry of Labor and Social Security may not apply the aforementioned employment quota. Employers are required to certify this situation with a document to be obtained from the Provincial Directorate of Work and Labor where the workplace is registered.

Please also be informed that you are required to begin or continue your job/occupation within 30 days of being granted the 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 will not automatically lead to the cancellation of your previous 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.

You are also entitled to make a claim for personal injuries. To do this, you must approach the Social Security Directorate. You will also be referred to a hospital for an assessment of the physical injury and if need be, the degree to which you are disabled. Depending on the assessed level of disability, you may apply to receive a disability pension and/or temporary incapacity allowance.

## **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:

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 weekdays from 10:00 AM to 5:00 PM.

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# Mülteci Hakları Merkezi

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Refugee Rights Turkey



Refugee Solidarity Network



**US Department of State**  
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