

Corporate Immigration in Turkey

Introduction

An increasing number of people from various parts of the world are moving to Turkey to start a new life, to work or even to find peace of mind for their retirements. Most of Turkey's new residents hail from countries like the UK, Germany, Ireland, Denmark, the Netherlands, Norway, Austria, Belgium, France and the USA. With its unique geographical location combined with a rich and diverse history, right in the cradle of many different civilizations, Turkey is a privileged place to live for expatriates and their families. For such economic and social reasons foreigners willing to work in Turkey. The main purpose of this brief article is to discuss the issues about immigration and work permit in Turkey in the lights of current legislation.

General requirements

Either long termed or short termed, whom are keen to work in Turkey are required to obtain a work permit by applying to the Turkish Ministry of Social Security and Labor. This procedure may vary depending on residence of the applicant. If the applicant has a residence permit of at least six (6) months in Turkey at the time of application for the work permit and he/she is domiciled in Turkey, the employer may apply directly to the Turkish Ministry of Social Security for a work permit.

Turkish Ministry of Social Security and Labor usually grants a work permit for one (1) year no matter the nationality of applicant. When applying for the work permit before the Turkish Ministry of Social Security and Labor, criminal record inspections shall be made ex officio. In the event that the officials detect any criminal conviction within the Turkish database or Interpol, then most likely the working won't be granted.

There are certain criteria to be proved by documents in order to be granted with a work permit. However, such criteria vary depending on the sector and activity of the company, where the applicant for the work permit shall be employed. Generally, except of certain sectors (e.g. insurance and insurance brokerage sectors), such criteria are fulfilled and proved easily. On the other hand, it is a plus value in case the applicant has worked/is working for the foreign organization of the Turkish company. Once the work permit application is duly filed before the Ministry of Social Security and Labor, it takes only one (1) month to be granted with the work permit letter.

There are certain circumstances in which the work permit would become cancelled. However, such are always notified to applicants beforehand and when the work permit is granted. It should be noted that the work permit is strictly connected with the business corporation and the applicant. Thus, according to currently in force regulations, the applicant is not entitled to work for another employer other than the one indicated during the application process. In any event such is detected by the Ministry officials, the work permit shall be cancelled.

Invest in Turkey

There are a lot issues to decide and confirm prior to start an investment in Turkey depending on the expectations of the investor party. We always provide to our clients a tailor made road map and different options with regards to their future investments in Turkey and we also keep advising them as well once after they finalize their incorporations

here and to start their activities. However, it is always important to have good business plan and good connections when investing to a new country.

Article 35 of Deed Law numbered 2644 regulates the title deed transactions (such as sell, purchase and establishment of real rights on property) in which a non-Turkish citizen party is involved. It should be noted that, according to abovementioned provision, there is a different practice of title deed transaction for each country based on reciprocity. Thus, initially it is strongly advised to check the reciprocity either with Title Deed officials or with a Turkish Consulate.

Furthermore, according to Article 35 of Deed Law numbered 2644 there is also a limitation with regards to the maximum area that a non-Turkish citizen can possess. According to such regulation, a non-Turkish citizen cannot possess more than a total area of 30 Hectares.

On the other hand, it is a must obtain a permission from relevant military commandership prior to the transaction. Generally speaking, applications to obtain such permissions are handled by the relevant Title Deed Directorates and once they receive such permission by official post, the parties are notified and invited for the transaction accordingly.

It is always a plus to have someone in the family granted with a work and/or residence permit when applying for a residence permit. Furthermore, the applicant is always invited to indicate the persons accompanied to them (e.g. children, wife) when applying for the residence permit.

Exemptions

There are not any exemptions set forth within the Title Deed Law numbered 2644 with regards to the property purchases. However, there are certain exemptions provided with regards to the work permits.

In this respect, certain foreign citizens are exempt from the obligation to

obtain work permit as explained below;

- Foreigners exempted from obtaining a work permit based on reciprocity between the Countries, international law and EU law,
- Whom obtained the Turkish citizenship by means of birth and then left Turkish citizenship by obtaining the consent of the relevant Ministry and their descendants up to third degree,
- Foreigners granted with a press card by Directorate General of Press and Information,
- Foreigners employed by the relevant public institutions and ministries or granted with work permit ex officio.

Short term and long term process

Short-termed business visitors are not required to apply for residence and work permits unless they are not going to work for an employer. In practice, most businessman arrive to Turkey with a tourist visa which is granted for around 90 days to EU and US citizens and conduct their business connections.

On the other hand, it should be noted that, it is generally a long tiring process to be granted with a permanent work permit. According to currently in force regulations, those legally residing in Turkey continuously for at least eight (8) years or completed six (6) total years of working period in Turkey will be entitled to apply for permanent work permit.

It should also be noted that the permanent work permit grants the possibility to work in Turkey without any company, region, and sector limitations.

Quota for employing of

foreigners

In any event it is a must to apply and to obtain a work permit except certain exemptions set forth within the regulations. In this respect, it is important to keep in mind that any legal entity in Turkey willing to employ a foreign staff is obliged to employ at least five (5) Turkish citizens. In example, in case a legal entity employs ten (10) Turkish citizens, then such legal entity will be entitled to employ two (2) foreigners and by this means can have twelve (12) total employees. Furthermore, in certain circumstances set forth within the regulations, employers are provided with a time span of six (6) months once after the work permit is granted to find and employ 5 Turkish citizens.

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