

ACCESS TO LABOR MARKET FOR SYRIAN REFUGEES AND OTHER PERSONS UNDER TEMPORARY PROTECTION

QUESTIONS AND ANSWERS

Mülteci
Hakları
Merkezi

Refugee
Rights
Turkey

GEÇİCİ KORUMA ALTINDAKİ KİŞİLER İÇİN İŞGÜCÜ PİYASASINA ERİŞİM

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İNGİLİZCE

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Mülteci Hakları
Merkezi



Refugee Solidarity
Network

I am a refugee from Syria. What should I do to work legally in Turkey?

Syrian nationals as well as refugees and stateless persons from Syria who have arrived in Turkey are granted temporary protection. Persons under temporary protection are entitled to apply for a work permit six months after the completion of their temporary protection registration. In order to apply for a work permit, it is necessary to have a Temporary Protection Identity Document, which bears a foreigner ID number starting with '99'.

As a rule, applications for work permits for persons under temporary protection should be made by the employer via the e-Government Gateway. The Ministry of Labor and Social Security processes all work permit applications. For detailed and up-to-date information, please consult the official website of the Ministry or call the 170 Hotline.

What is an independent work permit?

Based on the regulations regarding foreigners' work permits in Turkey, the type of work permit that allows individuals to be self-employed and to have the right to work on their own behalf and account, is called an "independent work permit". If you have established a business in compliance with the regulations in Turkey and will work on your own behalf and account, you should apply for an "independent work permit". Foreigners under temporary protection who will apply for the independent work permit should apply themselves.

Is it possible to obtain a work permit exemption?

According to the Law on International Labor Force and the Regulation on Work Permits of Foreigners under Temporary Protection, persons under temporary protection are eligible for exemptions in two sectors: seasonal agriculture and husbandry jobs. However, this exemption is not granted automatically, meaning that you must formally apply for the exemption. Persons under temporary protection are entitled to apply for a work permit exemption six months after the completion of their temporary protection registration.

Work permit exemption applications should be submitted to the Provincial Directorate of Labor and Employment in your city of registration. This agency will process your application through the Ministry of Labor and Social Security and a work permit exemption will be granted if the Ministry decides positively. The approvals of work permit exemptions for individuals who are identified as appropriate to work in the seasonal agriculture and husbandry sectors will be reported to the relevant Governorate within the first week of the following month after the application is submitted.

Please be aware that the work permit exemptions for seasonal agriculture or husbandry jobs are only granted for the province in which you are registered.

Are there any restrictions on labor market access in Turkey?

According to the applicable domestic legislation, foreigners are prohibited from undertaking certain jobs or occupations, including the following: dentist, caregiver at hospitals, pharmacist, veterinarian, lawyer, public notary, security at a private or public institution, director of a private hospital, tourist guide, customs consultant, as well as sea captain, seaman, fisherman, diver, and similar jobs within territorial waters.

Are there additional requirements for work permit application?

Persons under temporary protection who wish to work in the health or educational sectors are required to obtain preliminary permission. Applications made without preliminary permission or approval are denied without further evaluation.

Members of the health profession are required to approach the Ministry 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.

Similarly, persons who wish to apply for research and development staff positions in companies accredited as Research and Development Centers are required to approach the Ministry of Industry and Technology to obtain pre-approval.

Individuals who will apply for a work permit to work in the above-mentioned areas need to receive the required preliminary permission or approval before submitting their applications.

How is an application for work permit evaluated?

According to the Law on International Labor Force and the Regulation on Work Permits of Foreigners under Temporary Protection, there are various key criteria to evaluate applications for work permits. The first of these criteria is the employment quota. This quota system foresees that the number of foreigners under temporary protection employed in a workplace cannot be more than ten per cent of the Turkish citizens employed in the same workplace. In addition, workplaces with fewer than ten employees are only allowed to recruit a maximum of one person benefiting from temporary protection.

However, according to the regulations, if the employer can demonstrate that there are no Turkish citizens with the same qualifications available to perform tasks expected of the foreigner within four weeks prior to the date of the work permit application, the Ministry of Labor and Social Security may disregard the employment quota. Employers are required to certify this situation with a document obtained from the Provincial Directorate of Labor and Employment where the workplace is registered.

Other key criteria for the assessment of work permit applications include:

- Whether the application for a work permit has been submitted six months after the completion of the temporary protection registration;
- Whether the employer meets the requirements as stipulated under the above-mentioned cap/quota system;

- Whether the work permit application falls into the category of prohibited jobs or occupations;
- Whether there is a pre-permission or a pre-approval requirement that has been duly observed and met; and
- Whether there is a negative finding issued by authorities regarding the work permit application.

Please note that throughout the evaluation process, updates are regularly communicated to the employer via e-mail. It is also possible to check the status of the application via e-Government Gateway.

I have been granted a work permit. When can I start working?

You must begin working within 30 days of being granted the work permit. Your employer is also under 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?

Based on the legislation, since work permit applications are made by employers and permits are granted for a specific workplace or residence, your work permit will 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 work at a different workplace, your new employer is required to submit a new application on your behalf.

Is it possible to extend my work permit?

The legislation envisions that foreigners who are applying for a work permit for the first time will receive a work permit valid for no more than one year. If you are planning to continue working for the same employer after the expiration date of your work permit, you should apply for a work permit extension before the expiration date of your current permit. The earliest you can apply for an extension is sixty days before the ex-

piry date of your work permit. Extension applications after the expiration date of a work permit will not be processed.

Applications for extension of work permits should be submitted by the employer via e-Government Gateway, same as for the initial work permit applications.

Finally, if you would like to change your workplace after your work permit expires, the application submitted on your behalf by your new employer will qualify as a new work permit application rather than an extension request.

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

As a rule, work permits for foreigners are bound to a specific workplace or residence. Thus, should your employment contract be terminated for any reason and should you wish to continue to work at another workplace, your new employer is required to submit a new application.

Will my work permit continue to be valid if my temporary protection status is terminated or cancelled?

In case of termination or cancellation of your temporary protection status, your work permit will no longer be valid.

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, the employer is 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 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 the Provincial Directorate of the Ministry of Labor and Social Security and file a complaint. Your complaint 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 the 170 Hotline of the Ministry, to report employers who have failed to comply with the legal requirements.

However, if you are working in the seasonal agriculture or animal husbandry sectors with a work permit exemption, you are subject 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 at your workplace. Accidents that take place while you are doing a work-related task outside the workplace 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.

As a rule, your employer must report the accident immediately to the police and the health facility where your workplace is located. Additionally, your employer is obligated to inform the Social Security Office within three days after the accident. Should your employer fail to do so, you may also report it in person. It is important to provide all the documents relevant to the accident with your report.

After reporting, you will be referred to a hospital for an assessment of the physical injury and if need be, the degree to which you are disabled as a result of the injury. Depending on the assessment, you may apply for a disability pension and/or a temporary incapacity allowance.

What if I work without a work permit?

It is prohibited to work without a work permit or work permit exemption. Both the employer and the employee may face administrative fines. Additionally, foreigners who work without a valid work permit may be subject to other administrative procedures. You can approach our organization to receive more information on this subject.

I want to receive vocational training. What are the options?

You may approach Public Education Centers to receive vocational training. These courses are free of charge. However, please be aware that each Public Education Center determines course offerings on a yearly basis and may open new courses on demand. We therefore recommend that you approach the Public Education Centers to inquire about available courses. Please also note that you will be required to present your Temporary Protection Identity Document before you can enroll in these courses.

The Turkish Employment Agency (İŞKUR) also runs several vocational courses. You may approach the Turkish Employment Agency offices to ask about course availability. Finally, there are civil society organizations that provide free skills training, hobby, and vocational courses under the supervision of the Ministry of National Education.

How can Refugee Rights Turkey help me?

Refugee Rights Turkey provides free information and assistance to persons seeking international protection and those under temporary protection in Turkey. You may approach our office with your questions on the right to access protection mechanisms in Turkey and fundamental rights and freedoms.

Is Refugee Rights Turkey related to the Turkish government or to the United Nations High Commissioner for Refugees?

No. Refugee Rights Turkey is an independent civil society organization. It is not an implementing partner of the Turkish government or the United Nations High Commissioner for Refugees. However, Refugee Rights Turkey cooperates with the relevant Turkish authorities and the United Nations High Commissioner for Refugees to ensure the legal protection of persons seeking international protection and those under temporary protection in Turkey.

Do I need to pay for Refugee Rights Turkey's services?

All services provided by Refugee Rights Turkey are free of charge. Should you become aware of any person or entity claiming to be acting in our name who requests money or other financial benefits, please report them immediately to our organization. We will maintain your confidentiality.

Will Refugee Rights Turkey keep my information confidential?

Refugee Rights Turkey operates under a principle of strict confidentiality and respects the confidentiality of individuals. Thus, we do not share your information or documents with any third parties without your explicit and informed consent.

How can I reach Refugee Rights Turkey?

Wherever you may be in Turkey, you are welcome to get in touch with us all weekdays (Monday to Friday) from 10:00 AM to 5:00 PM to discuss your questions or concerns regarding asylum procedures.

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You can access all of our information booklets and videos for refugees and asylum seekers in Turkey via the Publications section at our official website:

<https://www.mhd.org.tr>

Or via our new “Web Information Platform for Refugees”,
launched as of April 2019:

<https://multecihaklari.info>
<https://refugeerights.info>