

## **Frequently Asked Questions (FAQ) on Work Permits for Beneficiaries of Temporary Protection**

### **1. What is Temporary Protection?**

Temporary Protection is a form of International Protection. People who were forced to leave their countries, cannot return to the country they left, arrived at or crossed our borders en masse to seek urgent protection and whose international protection request cannot be taken under individual assessment, are provided temporary protection in Turkey, pursuant to the Temporary Protection Regulation.

Citizens of the Syrian Arab Republic, as well as stateless persons and refugees, crossing Turkish borders as part of a mass influx or individually from the Syrian Arab Republic in order to seek protection due to the incidents taking place in the Syrian Arab Republic since **28/04/2011** are granted temporary protection status, even if they have lodged an international protection application, pursuant to the Temporary Protection Regulation, which was prepared within this framework and entered into force after its publication in the Official Gazette No. 29153 of 22/10/2014.

Citizens of the Syrian Arab Republic, who have been returned to Turkey within the scope of the EU-Turkey Agreement, following their irregular travel to the Greek Islands from Turkey since March 20, 2016, will be granted temporary protection upon their request pursuant to the amendment to the Temporary Protection Regulation dated 07/04/2016.

### **2. How can Syrians benefit from temporary protection?**

The Directorate General of Migration Management (DGMM), under the Ministry of Interior, will be the competent institution for receiving and processing applications.

### **3. Why was there a need to grant work permits to beneficiaries of temporary protection?**

Syrians and stateless persons, who fled their countries, arrived in Turkey and benefit from temporary protection, do not have work permits and engage in employment irregularly and in bad conditions. Unregistered work often leads to inhumane work conditions and creates unfair competition due to low salaries.

### **4. When can beneficiaries of temporary protection apply for work permits?**

People under temporary protection can apply for work permits 6 months after completing their temporary protection registration.

### **5. Who should make the application for the work permit?**

The work permit application shall be lodged by the employer, who wishes to employ a person under temporary protection.

People under temporary protection, who meet the criteria for an independent work permit, may directly lodge an application.

### **6. Who is notified of the result of the work permit application and how is he/she notified?**

An explanatory e-mail indicating that the beneficiary of temporary protection is granted a work permit shall be sent to the employer. Furthermore, the outcome of the application can be viewed from the "Application Tracking System" section under the online work permit automation system created by the

Ministry. A work permit document in the form of a card, which is issued by the Ministry for the employee, will be sent by courier to the address where he/she will work.

**7. What is a work permit exemption and how can it be obtained?**

Persons working in seasonal agriculture and husbandry shall be exempted from the work permit.

A work permit exemption application shall be lodged to the Provincial Directorate of Work and Labour in the individual's registered province of residence.

Beneficiaries of temporary protection must have a foreigner identification number starting with 99, must be registered under temporary protection for at least 6 months, must lodge the application in the province of residence and must not have a previously obtained a work permit.

**8. Can a foreigner holding a valid work permit apply for a work permit exemption?**

No, foreigners under temporary protection may only lodge an application for a work permit exemption after the cancellation of the valid work permit.

**9. What document will a foreigner obtain after his/her application for work permit exemption has been accepted?**

The work permit exemption information form will be issued through online automation system for a person under temporary protection whose request is deemed appropriate.

**10. What is the employment quota? How is it applied?**

In a single workplace, the number of persons under temporary protection cannot exceed ten per cent of the Turkish employees.

Moreover, a maximum of one beneficiary of temporary protection can be granted a work permit in workplaces where the total number of employees is less than ten.

However, if, within four weeks before applying for a work permit for temporary protection holder, the employer documents that there is no Turkish citizen of equal skillset that can be found for the same work, via an approval by the Provincial Directorate in which the workplace is registered, the quota may not be implemented. The Ministry takes into consideration vacant jobs and job placements between sectors and provinces, for which work permit applications are lodged, while setting quotas.

Currently, since the number of work permit applications is low, this quota is not being applied.

**11. Is there a gender quota applied within the 10% quota as well?**

No, this quota is not related to gender, it is just a quota determined according to the number of Turkish employees working in that institution.

**12. Is the 10% employment quota applied over the incorporated companies in general or over the workplace in which the foreigner will work?**

The quota restriction is determined for the workplace/branch office where the foreigner is going to work.

**13. Is there a quota for seasonal workers?**

No, there is currently no quota limitation for beneficiaries of temporary protection who will work in seasonal agriculture and husbandry.

**14. Can Syrian refugees start their own businesses?**

Yes, they can. They can register their businesses under official institutions just like Turkish nationals. Owners of businesses shall apply for their work permits individually.

**15. How is the issue of child labour tackled?**

The inspections related to child labour have been ongoing and they will be increased. There is a need for cooperation with the private sector in order to decrease child labour through conditional cash transfers for education and the referral of parents to livelihoods activities, both of which will start very soon.

**16. What documents are required to obtain a work permit for a beneficiary of temporary protection?**

The temporary protection identification document including foreigner identity number starting with 99, a photograph of the individual, a contract signed between the employer and the employee, the e-Government password of the employer, related documents (activity document, other documents, latest capital and partnership information of the organization, latest tax return, power of attorney, etc.) of the workplace *where necessary*, are required.

Prepared formats are available on the website of the Ministry of Labour:

<http://www.calismaizni.gov.tr/calisma-izni/sozlesme-ve-dilekce-ornekleri/>

**17. How can I find my ID number starting with 99?**

Go to the link below with foreigner's ID number starting with 98

<http://www.goc.gov.tr/gecicikoruma/Pages/YabanciKimlikSorgulama.aspx>

Make a query and get a new ID number starting with 99

**18. Which documents and ID numbers substitute the temporary protection identification document and number during the application process for the work permit?**

The below documents shall replace temporary protection documents and numbers:

- Foreigner ID number
- International protection registration document
- International protection identification document
- International protection status ID card

**19. What kind of contract shall be concluded between the employer and the beneficiary of temporary protection in order to be granted a work permit?**

A "Fixed-Term Contract" which indicates the attributes of the job shall be concluded. A sample contract can be found at the link below:

<http://www.calismaizni.gov.tr/calisma-izni/sozlesme-ve-dilekce-ornekleri/>

## **20. How much does the work permit cost?**

The work permit application is not subject to any charges. No payment is necessary during the application but the employer shall be notified with an e-mail after the work permit is granted and a charge shall be paid when the application has been finalised positively. The necessary amount to be paid is 558 TRY. For detailed information:

<http://www.calismaizni.gov.tr/calisma-izni/harc-ve-banka-bilgileri/>

## **21. How does the rule of ‘6 months stay in Turkey’ function?**

As of the date of application for work permit or work permit exemption, the individual must have been registered under temporary protection for a minimum period of six months.

## **22. What is an independent work permit? How is the application for an independent work permit lodged?**

Beneficiaries of temporary protection, who work independently under their own name and account, may apply for an independent work permit upon meeting the following criteria:

- Procedures related to the establishment of the business (for enterprises, the trade registry gazettes; and for natural entities, traders, merchants and craftsmen, relevant documentation demonstrating the activity of the workplace should be scanned and uploaded on the online automation system) shall be completed with the condition that they have a tax identification number.

The authorities will seek a valid working permit for the foreigner when the business license is granted.

## **23. What is preliminary permission? When is it needed and how can it be obtained?**

Preliminary permission is requested during work permit applications for the below professions. Prior permissions can be obtained from relevant ministries as follows:

- Healthcare professionals shall apply to the Ministry of Health.
- Education professionals shall apply to the Ministry of Education or the Chairmanship of the Council of Higher Education.

Applications without prior permission are cancelled without being evaluated.

## **24. Can a Syrian or a stateless person under temporary protection work in any province after receiving a temporary protection identification card?**

No, they can only work in provinces where their residence is permitted within the scope of temporary protection. In other words, the province indicated as the province of residence on the temporary protection identification document issued to them by the Ministry of Interior will be the province in which they can work.

In order to work in a different city, the individual must first apply to change his/her city of residence.

## **25. Will there be any limitation on employing beneficiaries of Temporary Protection?**

The number of Syrians and stateless persons under temporary protection employed in a workplace cannot exceed 10 per cent of the total number of Turkish employees. Only one Syrian or stateless person can be employed if the number of employees is fewer than 10.

Those, who receive vocational training and on-the-job training, within the framework of the training courses and programmes under the “Active Labour Force Programmes Project” of the Turkish Employment Agency (İŞKUR), may lodge an application to the Ministry to work in the same workplace at the end of the training period. An employment quota may be applied by the Ministry to applications lodged within this scope.

**26. Under which conditions will the limitations on employing beneficiaries of temporary protection be removed?**

The number of Syrian refugees and stateless persons working under TP cannot exceed 10 per cent of the total number of employees. However this quota shall not be applied if the vacant positions cannot be filled with Turkish workers.

Within four weeks following the application made to the Provincial Directorates of Labour and Employment by the employer, the relevant provincial directorate will evaluate whether a Turkish citizen of the same skillset is available for the position to which the beneficiary of temporary protection is applying. At the end of the four-week period, if it is identified that no Turkish citizen of the same skillset is available for the position, to which the foreigner is applying, a document is issued by the provincial directorate to the employer, stating that the beneficiary of temporary protection can be employed. Quotas may be readjusted in such situations.

**27. Will there be any separate wage regulation for employing beneficiaries of temporary protection?**

No. Both Syrians and stateless persons under temporary protection are subject to related work legislation in Turkey. They are entitled to earn the minimum wage. The provision prohibiting anyone working for less than the minimum wage is also applicable to this group.

**28. Is it necessary to obtain permission from the migration authorities while leaving the city?**

The work permit shall be valid only in the province of residence. If the person is assigned outside the province by the company, necessary permission needs to be received from the Provincial Directorate of Migration Management in the province of residence.

Necessary documents for permission:

- Application form stating the purpose of travel
- 2 photographs
- Copy of ID document

**29. Is a work permit application lodged through the e-Government gateway sufficient for a work permit?**

An online application through the online automation system is enough for a work permit application and no hard copy documents need to be sent to the Ministry.

Follow the link for the automation system: <https://www.turkiye.gov.tr/>

**30. When does a beneficiary of temporary protection need to renew his/her work permit?**

Work permits are issued initially for a duration of one year. The renewal application process starts over 60 days prior to the end of the one year period of validity. The work permits are renewed initially for 3 years and then for 6 years.

**31. Can an employee under temporary protection apply for work permits in order to work in more than one job at the same time?**

No, a worker under temporary protection may only lodge an application to work in a single job.

**32. How can someone under temporary protection follow if his/her insurance premiums have been deposited or not?**

Employers shall be responsible to deposit insurance premiums for the worker. The tracking process shall be conducted by the Ministry of Labour and Social Security. The foreigner may track his/her own premiums with an e-Government password via the following link: <https://www.turkiye.gov.tr/>

**33. What are the healthcare benefits that a beneficiary of Temporary Protection can receive?**

Premiums for the beneficiaries of temporary protection, who hold a work permit, shall be removed from the scope of general health insurance paid by DGMM and they may benefit from all healthcare services within the scope of the Social Security Institution, premiums for which are paid by the employer through contributions.

**34. What kind of insurance is applied for beneficiaries of temporary protection holding work permits?**

4A (a person working at a job for somebody else)

4B (a person founding a company for his/her name and paying his/her own insurance premiums)

Persons working in seasonal agriculture and husbandry may pay their own insurance premiums, if they want. Insurance paid by the employer is necessary for agriculture and husbandry that will last more than 30 days.

**35. What are the rights of TP beneficiaries who are work permit holders?**

He/she is entitled to all rights and insurance mentioned above together with all earned benefits such as leave, seniority, etc. that a Turkish minimum wage worker is entitled to.

**36. Are there any procedures to be followed by a beneficiary of temporary protection in case of a change of employment?**

Yes, cancellation of work permit shall be conducted by the company after the beneficiary of temporary protection leaves his/her job. Cancellation should be done within 15 days at the latest, following the end of the contract. The new employer subsequent may lodge an application for a work permit under the different job contract after the cancellation of the previous work permit.

**37. Is it possible for a foreigner, to whom a work permit has been granted, under temporary protection to be transferred to another branch of a company or temporarily work in other branches of the company?**

No. The work permit is valid for the employer's address as it is registered into the system. In case of a change of address, the work permit needs to be re-issued even for a different branch of the same company. A work permit system enabling the easy transfer of the individual under temporary protection between branches of the same workplace does not exist.

**38. What is İŞKUR? Can beneficiaries of temporary protection register to the Turkish Employment Agency (İŞKUR)?**

The Turkish Employment Agency (İŞKUR) is the authority that registers unemployed people and carries out job placement procedures for them.

Beneficiaries of temporary protection, once the minimum temporary protection period of six months is completed, can attend training courses and programmes launched within the scope of active labour force programmes of the Turkish Employment Agency and receive vocational and on-the-job training in the workplace within this framework.

**39. Can beneficiaries of temporary protection benefit from vocational training organised by the Turkish Employment Agency (İŞKUR)?**

Yes. Those who receive vocational training and on-the-job training within the framework of the training courses and programmes under the "Active Labour Force Programmes Project" of the Turkish Employment Agency (İŞKUR) may lodge an application to the Ministry to work in the same workplace at the end of the training period. A different employment quota may be applied by the Ministry in applications lodged within this scope.

**40. Do beneficiaries of temporary protection have responsibility and do they have a signing authority for qualified jobs such as engineering?**

No. Unlike other foreigners, a graduation certificate requirement has not been imposed on foreigners under temporary protection given that they have been forced to flee their countries. Therefore, it is not possible for a beneficiary of temporary protection who is unable to submit his/her graduation certificate to obtain an equivalence certificate or to be employed in jobs requiring such qualification. In cases where they are employed for assuming other duties, the responsibility falls on the employer.

**41. How can I find more information and support regarding my work permit application?**

- The Ministry of Labour and Social Security organizes informative trainings.
- The International Middle East Peace Research Institute (IMPR) organises free trainings and provides consultancy services for this purpose in cooperation with MoLSS and UNHCR. For information, please contact: [calismaizni@imprhumanitarian.org](mailto:calismaizni@imprhumanitarian.org)