

WORK AND RESIDENCE PERMIT FOR FOREIGNERS WITH TURQUOISE CARD

The Regulation on Turquoise Card (“**Regulation**”) that has come into force by being published on the Official Gazette numbered 30007 and dated 14 March 2017 was the long expected secondary legislation of the International Labor Force Law numbered 6735.

WHAT IS TURQUOISE CARD?

The Turquoise Card has been defined under Article 1 of the Regulation as “the document that gives the right of unlimited work and residence permit to foreigner and residence permit to foreigner’s family.”

TO WHOM TURQUOISE CARD WILL BE ISSUED?

The people who will be entitled to obtain Turquoise Card have been set out under Article 5 of the Regulation. It has been foreseen that foreigners who are entitled to obtain Turquoise Card shall have certain qualifications. Such qualifications are summarized as below;

- The foreigner to be deemed as highly qualified labor force,
- The foreigner to be deemed as highly qualified investor,
- The foreigner being scientist or researcher who carries out studies and researches that are accepted as strategic in terms of country’s benefits at international level,
- The foreigner being successful at international level in terms of cultural, artistic or sportive activities,
- The foreigner contributing to Turkey’s or Turkish culture’s international standing or presentation,
- The foreigner carrying out activities at international level regarding Turkey’s national benefits

Turquoise Card owner can apply for the Turquoise Card family card which will replace the residency permit during the term of Turquoise Card. Such application shall be made simultaneously with the Turquoise Card application. Turquoise Card owner’s family has been defined as “Turquoise Card owner’s foreign spouse or spouse’s under age or dependent foreign children.”

HOW WILL THE APPLICATION PROCEDURE FOR TURQUOISE CARD BE?

The application procedure for Turquoise Card has been specified under Article 6 of the Regulation. According to the relevant article, if the application is to be made in Turkey, it shall be directly made on the Foreign Application, Assessment and Monitoring System of the Ministry of Labor and Social Security (“Ministry”). If the application is to be made from abroad, it shall be made through the foreign representative office in foreigner’s citizenship country or the country where foreigner legally resides in.

Additionally, Turquoise Card application can be made by the intermediary institutions in Turkey or abroad.

HOW WILL THE TURQUOISE CARD APPLICATIONS BE ASSESSED?

Article 9 of the Regulation foresees that a grading system will be applied in the assessment of applications. The principles for grading has been set out in detail under Article 11 of the Regulation. The criteria for being entitled to Turquoise Card have been specified in this article. For instance, for the foreign qualified investor, criteria such as the sector to be invested in, the owned properties in Turkey etc. should be taken into account.

WHICH RIGHTS AND OBLIGATIONS WILL TURQUOISE CARD OWNER HAVE?

Article 19 of the Regulation regulates Turquoise Card owner’s rights and obligations. According to this Article, Turquoise Card owner foreigner will have the same rights that unlimited work permit provides.

As per the relevant article, the Turquoise Card owner foreigner will be exempted from military duty in Turkey and will not be able to benefit from the rights of voting and being elected and being a public servant.

The Turquoise Card owners' transactions such as residency, travel, work, investment, commercial activities, inheritance will be carried out in compliance with the legislation that is applied to Turkish citizens.

However, if being a Turkish citizen is a precondition in exercising such rights and obligations, card owners will not be able to ask to benefit from such rights.

Also, it has been regulated that in the event that it is proposed by the Ministry and on the condition that Turquoise Card owner and family (i) do not have a situation that can be an obstacle in terms of national security and public order and (ii) the temporary transition period record is removed, they can obtain Turkish citizenship.

WHAT IS THE TERM FOR TURQUOISE CARD?

Article 15 of the Regulation titled "Transition Period" and Article 18 titled "Unlimited Term of Turquoise Card" lays down the circumstances of Turquoise Card being unlimited.

According to the relevant Article 15, Turquoise Card is given with the condition that first three years is the transition period. In the same article, it is foreseen that Turquoise Card owner's activities and undertakings will be monitored during the first three years by an expert and a monitoring report will be issued every 12 months. If information or document is required during the preparation of such report, the Turquoise Card owner foreigner is obliged to present such documents within fifteen days to the Ministry. If missing information or documents are required in line with this report, three months to complete the missing information or documents is given to the foreigner. If the missing information or documents are not completed at the end of this term, the transition period is terminated and Turquoise Card is cancelled.

For the Turquoise Card to be valid for an unlimited term, it is required that it is not cancelled during the transition period and transition period record is removed. The terms and conditions for the unlimited term validness are set out under Articles 17 and 18 of the Regulation.

IN WHICH CASES WILL TURQUOISE CARD BE CANCELLED?

Turquoise Card can be cancelled by the card owner's request. Below are the events that Turquoise Card is cancelled automatically if:

- Starting from the date of validness date of the card, the card owner does not come to Turkey or stays abroad more than 2 years without interruption (except for cases where force majeure exists)
- Passport or the document that replaces passport is expired and is not extended (except for the cases where Ministry of Interior or Ministry of Foreign Affairs gives an approval opinion)
- It is identified that the card owner works unregistered
- It is identified the card owner does not work for a minimum of one year without interruption
- It is figured out afterwards that fraud Turquoise Card application is made
- The information and documents are not presented within the transition period or it is identified that foreigner loses Turquoise Card owner status according to the monitoring report
- Ministry of Interior is informed that foreigner is not allowed to enter Turkey, not entitled to visa or needs to be deported pursuant to Law numbered 6458
- It is notified that it is hazardous for the foreigner to work in terms of public order, public safety or public health.

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