



SCREENING CHAPTER 24 JUSTICE, FREEDOM AND SECURITY

AGENDA ITEM 1A : LEGAL MIGRATION

**Country Session: Republic of TURKEY
13-15 February 2006**

TURKEY'S BORDERS AND BORDER GATES

7 Railway Border
Gates

113 Border
Gates

39 Air Border Gates

**BULGARIA
BORDER : 269 KM.**

**GEORGIA BORDER
: 276 KM.**

**ARMENIA BORDER
: 328 KM.**

**GREECE
BORDER : 203 KM.**

**IN TOTAL:
9479 KM.**

**AZERBAIJAN
(NAHCIVAN)
BORDER : 18 KM.**

**SEA BORDERS:
6530 KM**

**IRAN
BORDER : 560KM.**

**SYRIA
BORDER : 911 KM.**

**IRAQ
BORDER :384 KM.**

47 Sea Border Gates

20 Land Border Gates



LEGISLATION

- Law No. 2510 on Settlement
- Law No: 5683 on Residence and Travel for Aliens in Turkey
- Passport Law No: 5682
- Turkish Citizenship Law No: 403
- Law No: 4817 on Work Permits for Aliens
- Labour Law No: 4857
- Law No: 2922 on Foreign Students Studying in Turkey
- Social Insurance Law No: 506
- Social Insurance Law No: 4956 for Self Employed
- Trade Unions Law No: 2821
- The afore-mentioned laws lay down the clauses and modalities regarding the entry, exit, stay, residence of aliens and other provisions on legal migration.



INTERNATIONAL AGREEMENTS, CONVENTIONS, PROTOCOLS SIGNED BY TURKEY

In conjunction with legal migration, there is a set of international agreements that Turkey adhered to.

Instruments Developed by the UN:

- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (entered into force on 1 January 2005)
- International Covenant on Economic, Social and Cultural Rights (entered into force on 1 January 2004)
- International Covenant on Civil and Political Rights (entered into force on 1 January 2004)



Instruments Developed by the ILO:

- Freedom of Association and Protection of the Right to Organise-
Convention C87 (entered in to force on 1 August 1949)
- Discrimination (Employment and Occupation) Convention
C111 (entered into force on 1 August 1968)
- Equal Remuneration Convention C100 (entered into force on 1
August 1968)
- Equality of Treatment (Social Security) Convention C118
(entered into force on 1 July 1975)



Instruments Developed by the Council of Europe:

- Convention for the Protection of Human Rights and Fundamental Freedoms (entered into force on 18 May 1954)
- European Social Charter (entered into force on 24 December 1989)
- European Convention on Establishment (entered into force on 20 March 1990)
- European Convention on Social and Medical Assistance (entered into force on 1 January 1977)



RESIDENCE IN TURKEY

Freedom of movement and residence of aliens are regulated under the Law on Residence and Travel of Aliens in Turkey (No: 5683). There are also applicable provisions in the Passport Law (No: 5682). Accordingly, only the aliens who are allowed to enter the country and bearing a valid travel document as stipulated in the Passport Law have right to travel within Turkey.

Aliens who are willing to stay in Turkey after the expiry of their visas, are obliged to apply to the relevant authorities to obtain a residence permit. Residence permits are issued on reasonable grounds.



Validity of residence permits is limited to five years which might be extended and shortened by the relevant authorities.

The number of foreigners as legal residents in Turkey was 178,964 in 2005.

Identification cards issued to members of diplomatic and consular missions, military staff of NATO and representatives of international organisations have the same effect as ordinary residence permits. Such persons are therefore exempt from residence permits for aliens.



Residence authorisation may cover categories such as;

- Employment,
- Installation and maintenance,
- Studies,
- Scientific research,
- Business contacts,
- Family reunification,
- Tourism and settlement,
- Medical care.



WORK PERMITS

Work permits are issued by the Ministry of Labour and Social Security. This provides effective monitoring of the labour market, having a single authorized body and preventing illegal employment through effective controls.

Work permits are applicable along with residence permits.

In principle, applications should be made through Turkish Missions abroad.



However, any foreigner who has obtained a six-month valid residence permit in Turkey may apply to acquire a work permit from the Ministry of Labour and Social Security.

Article 15 of the Law on Residence and Travel of Aliens in Turkey (No: 5638) stipulates that “Aliens may only be employed for jobs that are not prohibited by law for aliens”. Determining the jobs that aliens may not be employed for requires a detailed and careful examination. Aliens can not perform jobs such as lawyer, prosecutor, judge, public notary, customs consultant, founder member of a trade union.



FAMILY REUNIFICATION

A long term residence permit is granted to a foreigner married to a Turkish citizen as long as the matrimonial union is maintained.

Turkish Citizenship Law (No: 403) provides certain mechanisms for facilitating the procedure for naturalization of those aliens who are married to a Turkish citizen. Article 5 of the Law provides that those aliens who have been married and living together for three years or more with a Turkish citizen may obtain Turkish citizenship by applying to the provincial directorate or the Turkish Missions abroad. To process such application the Ministry of Interior conducts an investigation. However, the person concerned shall obtain Turkish citizenship automatically if he/she loses his/her own citizenship due to the marriage.

Spouses and children of foreigners who possess valid residence permits are eligible for applying for residence permits in Turkey.



CONDITIONS OF ADMISSION FOR STUDYING PURPOSES

The entrance of alien students to Turkey, their admission to educational institutions, the role of relevant agencies and the obligations and responsibilities of students are regulated under Law and Regulation on Alien Students Studying in Turkey (Law No: 2922). After being admitted to an institution of education, alien students may receive residence permits for the duration of their studies, upon submitting relevant documentation to the provincial authorities.



RIGHT TO PROPERTY

Turkish Constitution unequivocally recognizes the right to property. Article 35 of the Constitution reads as follows: “Everyone has the right to own and inherit property. These rights may be limited by law only in view of public interest. The exercise of the right to own property shall not be in contravention of the public interest.”

Article 35 of the Law of Title Deeds No: 2644 has been the main legislative piece on the acquisition of immovable property by foreigners in Turkey. A Law amending Article 35 entered into force on 7th January 2006. In this law, acquisition of immovable property by foreigners in Turkey is based on the rule of reciprocity and legal restrictions.



TURKISH CITIZENSHIP

The status of Turkish citizenship is regulated under the Turkish Citizenship Law. Accordingly, Turkish citizenship may be obtained by birth, descent, marriage or naturalization. Birth within the territory of Turkey does not automatically confer citizenship; however if a child who was born in Turkey does not obtain a citizenship through his father or mother then he/she is a Turkish citizen.

A child at least one of whose parents is a Turkish citizen is a Turkish citizen.

An alien who has resided in Turkey for at least five years, shown an intent to remain in the country, familiar with the Turkish language, has adequate means of self-support, good moral character and has no illness that may pose a threat to the public may obtain Turkish citizenship through naturalization.



ALIGNMENT WITH THE EU ACQUIS

(Family reunification, long term residence permit, work permit)

As it was mentioned in the National Action Plan on Asylum and Migration, necessary adjustments will be made in the Turkish legislation in line with the Council Directive on Family Reunification (2003/86/EC) and Long Term Residence (2003/109/EC). As Council Directive 2004/114 covering the area of work permits was a proposal when the national action plan was finalized, the said Directive was referred under the title of future EU Acquis.



THANK YOU FOR YOUR ATTENTION