

Foreigners Guide to Türkiye

K U Ş A D A S I

Türkiye



KUTO
Kuşadası Ticaret Odası
Chamber of Commerce



Prepared by Kuşadası Chamber of Commerce

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SECTION ONE

PRACTICAL INFORMATION

Calendar for Tax Payments and Financial Liabilities



Type of Declaration	Period in which declaration is to be submitted	Payment Date
VAT Declaration	By the evening of 24th of the following month	By the evening of 26th day of the month in which the declaration is submitted
Monthly Tax Declaration	By the evening of 23rd of the following month	By the evening of 26th day of the month in which the declaration is submitted
3-monthly Tax Declaration	By the evening of the 23rd day of January, April, July and October	By the evening of 26th day of the month in which the declaration is submitted
Stamp Duty Declaration	By the evening of 20th day of the following month	By the evening of 26th day of the following month
Provisional Tax Declaration for the Jan – March period	By the evening of 14th May	By the evening of 17th May
Provisional Tax Declaration for the April – June period	By the evening of 14th August	By the evening of 17th August
Provisional Tax Declaration for the July – Sept. period	By the evening of 14th November	By the evening of 17th November
Provisional Tax Declaration for the Oct – Dec period	By the evening of 25th day of February	By the evening of 17th February
Corporate Tax Declaration	By the evening of 25th day of April	By the end of the month in which the declaration is given
Annual Income Tax Declaration (ordinary level)	By the evening of 25th day of February	1st instalment by the end of February; 2nd instalment by the end of June

Annual Income Tax Declaration (other incomes)	By the evening of 25th day of March	1st instalment by the end of March; 2nd instalment by the end of July
Bank and Insurance Tax Declaration	By the evening of 15th day of the following month	By the evening of 15th day of the following month
Motorised Vehicle Tax	Period in which declaration is to be submitted	1st instalment by the end of January; 2nd instalment by the end of July
Property Tax	Within the year of purchase	1st instalment by the end of May; 2nd instalment by the end of November
Social Insurance Premiums	By the end of each month	By the evening of the last day of the month for which the declaration is given
Bağ-Kur Insurance and Health Insurance Premiums	By the end of December	By the evening of the last day of the month for which the declaration is given



EMERGENCY & IMPORTANT TELEPHONE NUMBERS

EMERGENCY TELEPHONE NUMBERS

Fire Brigade	110
Medical Helpline	112
Municipal Police Force	153
Traffic Police	154
Police	155
Gendarmerie	156

POLICE HEADQUARTERS

Switchboard	6141382
Central Police Station	6141022
Passport Office	6145349
Regional Traffic Office	6141395
Maritime Department	6141381
Public Security Department	6124487
Police Headquarters for the Estates	6122055

COURTHOUSE

Switchboard	6141018
Attorney General's Department	6122419 – 6143798
Public Prosecutor's Department	6141519 – 6143800
Criminal Court Office	6148839 – 6143802
Civil Court Office	6143431
Office of the Civil Court of Peace	6133714
Bar Association Representative's Office	6126637
District Electoral Department	6141018
(Court Bailiff's) Enforcement Department	6141018



KUŞADASI GOVERNMENT OFFICES

Kuşadası Governorship	6141016
Governorship Secretarial Department	6146992
Local Government Department	6141057
Garrison Headquarters	6141019 – 6127200
Gendarmerie Headquarters	6141019 – 6133414

Tax Office	6127096 – 6120419
Civil Registry Office	6125064
District Department of Agriculture	6141023 – 6141092
Finance Office	6141013 – 6144712
Treasury Counsel Department	6122070
Finance Office Auditors Department	6143765
Mufti's Office	6141157
Land Registry	6141352 – 6147085
Tourism Information Office	6141103



IMPORTANT TELEPHONE NUMBERS



MUNICIPALITY TELEPHONE NUMBERS	
Mayor's Office	6141003 – 4101
Deputy Mayor's Office	6142462 – 4109
Secretarial Department	6141003 – 4110
Accounts Department	6141003 – 4129
Technical Services Department	6141003 – 4121
Department of Legal Affairs	6141003 – 4107
Municipal Police Department	6141003 – 4141
Medical Department	6141003 – 4153
Veterinary Department	6141003 – 4156
Fire Services	6142465 – 110
Real Estate Department	6141003 – 4138
Water Board	6141003 – 4139
Stock Accounts Department	6141003 – 4123
Environmental Health Department	6141003 – 4124
Personnel Office	6141003 – 4146

Marriage Registry	6141003 – 4149
Press Office	6120570 – 4112
Bus Station Administration	6143981
Grading Administration	6145994
Sanitation Department	6141003 – 4148
Department of Infrastructure	6141003 – 4159
Electricity Department	6141003 – 4158
Public Works Department	6141003 – 4160
Parks & Gardens Department	6125696
Water Repairs Department	6141003 – 4157 – 158
Wholesale Fruit & Vegetable Department	6147157
Retirement Home	6133281
Indoor Sports Stadium	6128362
Cemetery	6126720
Data Processing Department	6141003 – 4128
Public Relations Office	6141003 – 4117
Services for the Elderly	6141003 – 4154



SECTION TWO

Requirements for foreign nationals who wish to reside in Turkey

Residence Permits:

Foreign nationals wishing to reside in Turkey for more than one month must apply to the relevant authorities within one month of their arrival to obtain a residence permit, which in Turkish is called an "ikamet tezkeresi". The initial application is made to the relevant Provincial Police Headquarters (for Kuşadası residents this is the Aydın Police Headquarters) by filling in the required form which is issued free of charge. The documents to be submitted with the application form are as follows:

- Passport photocopy
- 7 passport-size photographs
- Title deed photocopy (if seeking visa for residential purposes)
- Proof of funds (if seeking visa for tourism purposes)
- The fee is calculated according to the duration of the residence permit

The duration and renewal of residence permits

The maximum period for which a residence permit can be issued is 5 years. Residence permit holders who wish to extend or renew their permits should apply either before the expiry date of their existing permit or within 15 days as from the date on which their existing permit expires. The renewal of residence permits can be carried out at the District Police Headquarters.

In the event of the loss of a residence permit, foreign nationals must report the loss to the relevant authorities without delay and obtain a new permit, which will be valid until the expiry date of the lost permit.

Visas are not required for residence permit holders travelling in and out of Turkey. Residence permit holders show their valid permits together with their passports at the borders.

In the event of a change of address in Turkey, residence permit holders are obliged to notify the police station or the gendarmerie in both the location of their former residence and the location of their new residence within 48 hours, either in person, through a mediator or by registered post.

Work Permits:

Unless otherwise stipulated in agreements to which Turkey is a party, foreign nationals must obtain work permits prior to entering into paid employment or independent employment in Turkey.

a) Limited work permits:

Unless otherwise stipulated in agreements to which Turkey is a party, a limited work permit is issued for a maximum period of one year for a specific occupation in a specific business establishment in accordance with the duration of the foreign national's residence permit and employment contract or the duration of the work, taking into account the general work situation, developments in working practices and changes in the economic situation.

On completion of a one-year period of legal employment, a work permit may be extended for a period of up to three years for the same occupation at the same business establishment.

On completion of a three-year period of legal employment, a work permit may be extended for a period of up to six years for the same occupation with any employer.

b) Indefinite work permits:

Unless otherwise stipulated in agreements to which Turkey is a party, regardless of the general work situation and developments in working practices, and with no limit regarding a specific business establishment, occupation, civilian or geographical area, a work permit for an indefinite period may be issued to a foreign national who has legally resided in Turkey continuously for at least eight years or who has legally worked in Turkey for a total period of six years.

c) Independent work permits:

An independent work permit may be issued by the Ministry to a foreign national who is to work independently on condition that the foreign national has legally resided in Turkey continuously for a period of at least five years.

The employment of foreign nationals in businesses established by way of foreign investment.

Foreign nationals, whom companies and businesses established under Act No. 6224 for the Encouragement of Foreign Investment wish to employ, may be employed by way of work permits issued by the Ministry within the framework of the procedures and principles to be determined by the legislation put in place by the Ministry and the Under Secretariat of Treasury.



SECTION THREE

The acquisition of real estate in Turkey by foreign nationals

A) Conditions concerning the acquisition of real estate in Turkey by foreign nationals

1. Principle of reciprocity

The first requirement for the acquisition of real estate in Turkey by foreign nationals is a reciprocal agreement between Turkey and the foreign national's own country. Therefore, a check is made to ascertain whether or not the legislation of the country to which the foreign national wishing to acquire real estate in Turkey is attached provides the same rights to Turkish citizens as it provides to its own nationals.

2. Compliance with the legal provisions of limitation

a) Limitations imposed in respect of the area of real estate

The total surface area of real estate and limited real rights that a foreign national can acquire in the country in general may not exceed 25,000 square metres.

The real estate to be acquired must be real estate that has been registered and set aside for the purposes of the applied or localised development plan for the area in which the real estate is located.

b) Limitations imposed in respect of the type of real estate

Foreign nationals may purchase real estate in Turkey for use as business premises or for residence.

B) Procedures to be carried out for the purchase of real estate

To avoid any possible problems, it is undoubtedly beneficial for the procedures for the purchase of real estate to be carried out with the help of a solicitor.

The formalities to be carried out prior to the purchase are as follows:

- Examination of the registration of the real estate at the Land Registry.
- Check, preferably by a solicitor, to ascertain whether or not there is any form of encumbrance, mortgage or restriction on the real estate.
- Preparation of a legally binding Sales Contract with the individual vendor or the vendor company, to be signed by the authorised persons. This contract should be in the form of a standard form "Pledge for the Sale of Real Estate" prepared at a Public Notary. In the event of disagreement, any form of simple contract drawn up between the relevant parties would only provide for the refund of sums paid, not for the transfer of the real estate.
- Application for military clearance. Application for the necessary military clearance is sent to the military authorities by the relevant Land Registry. A copy of the title deed of the real estate and a copy of the purchaser's passport are required for the application to be submitted. The application is examined by the military authorities and checks are carried out to ascertain whether or not the real estate is located within a restricted military zone. In the event of there being no objection to the sale of the real estate to the foreign national, the military clearance is issued and forwarded to the relevant Land Registry, on receipt of which the transaction for the transfer of the real estate may be carried out.

The documents to be provided at the time of the transfer are as follows:

- A copy of the title deed
- The document issued by the Municipality showing the current declared value for the property
- Identity cards or passports for both the vendor and the purchaser
- Passport-size photographs - one for the vendor and two for the purchaser
- Tax numbers for both the vendor and the purchaser
- If the transaction is to be carried out by way of a power of attorney, the original copy of the power of attorney, the representative's identification and photograph are required



IMPORTANT NOTE: To avoid any problems in connection with the transfer of title deeds, new formalities are being implemented by the Land Registry Headquarters. Accordingly, estate agents who do not hold a certificate of authorisation will not be allowed to pursue this work. In accordance with the agreement to be signed between the Land Registry Headquarters and the Chamber of Estate Agents, a contract for the pursuit of the work is to be prepared.

For estate agents to be able to sign the abovementioned contract, they must be registered with either the relevant professional chamber or the Chamber of Commerce. Following the preparation of the said contract, the vendor (employer) is to hand over all the necessary documentation to the agent. In order to be able to commence the proceedings at the Land Registry, real persons or legal entities (or their representatives) with rights in respect of the Land Register must submit an application. The proceedings will then be commenced in accordance with the order in which the applications are submitted. The estate agent is to take on the responsibility of preparing the necessary documentation and of pursuing the proceedings to completion, ready for signing. Estate agents who do not hold a certificate of authority from the Chamber of Estate Agents or the relevant associations will not be able to pursue the said procedures at the Land Registry.



C) Procedures to be carried out following the purchase of real estate

As from the date on which the transfer of the title deed has been carried out, the purchaser is the legal owner of the real estate. Owners then have full authority to use and benefit from their real estate. Therefore, owners can sell, let or use their real estate whenever they may wish. It is advisable for foreign owners to engage the services of a solicitor for the sale of their real estate to another foreign national, as the same procedures must be followed. Although it is not obligatory, it is also advisable to have a written rent contract prepared by a solicitor when letting real estate, in order to safeguard the rights and interests of the parties concerned.

Taxes and payments in connection with real estate:

- Annual property tax, environment tax, and tax for the protection of culture and natural creations - payable to the Municipality. These taxes are payable in two instalments, the first of which is due between March and May, and the second in November (Please see the calendar on the first page for the payment of taxes)
- Compulsory earthquake insurance which, by law, is to be renewed each year
- If the real estate is in the form of a building which is located on an estate or in an apartment building, monthly fees are payable in accordance with the management plan

In addition to the above, it is considered advisable for foreign owners of real estate in Turkey to register themselves with their nearest Consulate, regardless of whether or not they intend to reside in Turkey on a permanent basis.

SECTION FOUR

Procedures to be carried out for the purchase of motorised vehicles by foreign nationals

The procedures for the purchase of a motorised vehicle by a foreign national are the same as the procedures for the purchase of a motorised vehicle by a Turkish citizen.

The sale and transfer of a second-hand vehicle to a real person or legal entity is carried out at a Public Notary. These sales are exempt from dues and stamp duty. Notification of the transfer of a vehicle carried out at the Public Notary is sent via the Public Notary on the same day to the relevant Traffic Registration Department. Following the transaction at the Public Notary, the new owner has 30 days in which to have the vehicle registered in his/her name at the relevant Traffic Registration Department. Foreign owners of motorised vehicles must have a valid residence permit for the registration formalities and application must be made to the provincial Traffic Registration Department (for Kuşadası residents this is the Traffic Registration Department of the Aydın Police Headquarters) to obtain the special MA registration plates issued to foreign vehicle owners.

There is a compulsory financial liability insurance policy for vehicles that must be put in place. When this policy has been obtained and the registration formalities have been carried out, the necessary traffic and registration documents and registration plates are issued. Foreign nationals may take their vehicles out of the country without customs duty. When a vehicle is to be taken out of the country, on application to the relevant traffic authorities, a document stating that the vehicle's tax liability has been lifted, the vehicle's traffic and registration documents and registration plates are handed over and the vehicle's traffic registration is cancelled. A document including the technical details of the vehicle for which the registration has been cancelled by the relevant Traffic Registration Department is presented to the customs authorities and the necessary permission is given for the vehicle to be taken abroad. (Act No. 5086)



SECTION FIVE

Personal investment in Turkey by foreign nationals

An ever increasing number of foreign investors in Turkey continue to carry out their activities within the various sectors in which they have invested. The Foreign Investment Act makes provision for foreign nationals to establish a “Turkish Company with Foreign Shareholders” whereby foreign nationals are able to conduct their business activities under the same conditions as ordinary Turkish Companies.

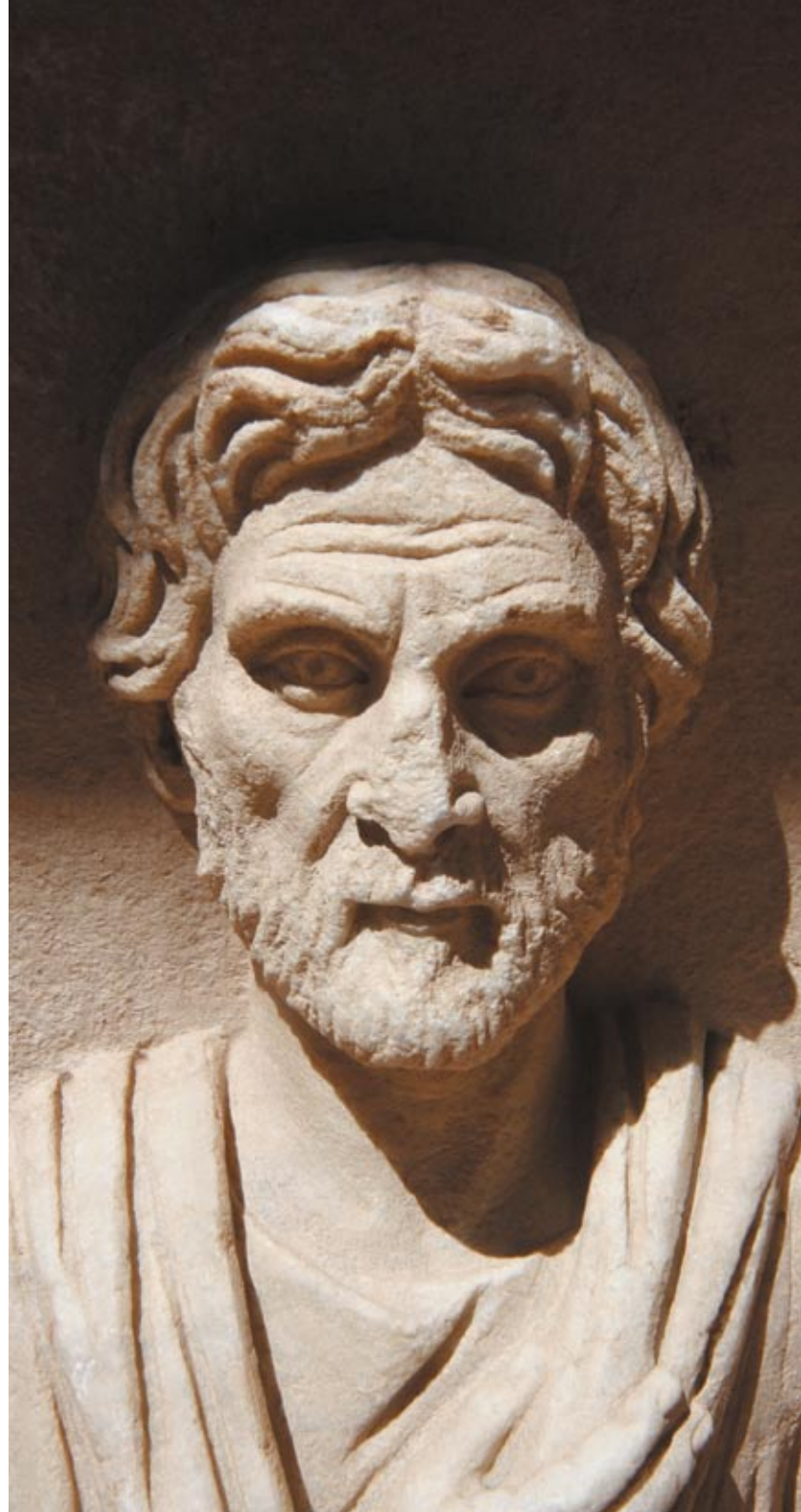
Company formation in Turkey by foreign nationals

As companies established in Turkey by foreign investors are considered to be Turkish companies, these companies have the same rights and authorities as any other Turkish company.

Necessary documents for company formation

- Notary certified passport translation (4 copies)
- Shareholders’ and company director’s photographs (2 each)
- Notary certified articles of association
- Shareholders’ and company director’s signature documentation (3 copies)
- Company notification form signed by the authorised person (4 copies)
- Application

On completion of the abovementioned documentation the procedures for the company establishment are carried out. In the case of a limited company, a minimum of 2 shareholders and capital of 5,000 YTL are required; in the case of a corporation, a minimum of 5 shareholders and capital of 50,000 YTL are required. Following the completion of all the necessary documentation, the procedures for the establishment of the company and the registration of the company at the Tax Office can be completed within 5 working days.



SECTION SIX

Ways in which Turkish Citizenship may be obtained

- The acquisition of Turkish Citizenship by law
- The acquisition of Turkish Citizenship by way of the right to choose
- The acquisition of Turkish Citizenship by way of a decision by the relevant authorities

In general,

In accordance with Clause 6 of the Act of Citizenship, foreign nationals conforming to the following conditions may acquire Turkish citizenship by way of a decision by the Council of Ministers.

- Applicants must be of legal age in accordance with the laws of their own country; stateless applicants must be of legal age in accordance with Turkish law
- Applicants must have resided in Turkey for a period of 5 years prior to the date of application
- Applicants must be able to provide confirmation of their decision to settle in Turkey
- Applicants must be of good moral character
- From the point of view of their general health, applicants must have no illness that might pose a danger to society
- Applicants must be able to speak a sufficient amount of Turkish
- Applicants must have an income or profession with which to secure their living and the living of their dependents in Turkey

Exceptions:

In accordance with Clause 7 of the Act of Citizenship, on request, foreigners in the following situations may be awarded Turkish citizenship by way of a proposal put forward by the Ministry of Internal Affairs and a decision by the Council of Ministers:

- Adult children born of persons who have lost their Turkish citizenship for whatever reason
- Persons married to Turkish citizens, and their adult children
- Persons of Turkish origin, their wives/husbands and adult children
- Persons who have settled in Turkey by way of a decision to marry a Turkish citizen
- Persons who have established industrial facilities in Turkey; and those whom it is considered have provided outstanding social services and services in the fields of economy, science, technology or art
- Persons for whom Turkish citizenship has been deemed requisite by the Council of Ministers.

SECTION SEVEN

Turkish Wills

Most solicitors agree that it is advantageous for foreign nationals who possess real estate in Turkey to make Turkish wills. Although wills drawn up in Ireland and the UK are valid in Turkey, the procedures that any beneficiaries would need to go through to implement the foreign will can be expected to take a considerable time and the general opinion is that having a Turkish will would make the procedure more straight forward.



In Turkey, wills are drawn up at Public Notaries and the following documents are required:

- Testator's passport
- 3 passport-size photographs of testator
- Full names, addresses and dates of birth of any beneficiaries
- Doctor's report (optional for those under the age of 65)

Two witnesses are also required. The witnesses should be Turkish citizens and must have their Turkish ID cards with them. As is the case with all documents prepared for foreign nationals at Public Notaries, an authorised translator is required to verbally translate the will to the testator before the will is signed.

Foreign nationals are able to obtain a court decree in Turkey specifying the legal heirs of a deceased person and determining the shares of each of the heirs (Veraset İlamı).

Prepared By:

CHAMBER OF COMMERCE

