



**SCREENING CHAPTER 24
JUSTICE, FREEDOM AND SECURITY**

AGENDA ITEM 10 : VISA POLICY

**LEGISLATION ON VISA POLICY
AND PRACTICE**

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



LEGISLATION ON VISA POLICY AND PRACTICE

Constitution of the Republic of Turkey

Article 16:

Fundamental rights and freedoms for aliens may be restricted by law, in a manner consistent with the international law.



LEGISLATION ON VISA POLICY AND PRACTICE

Visa policy of Turkey is laid down by the MFA in consultation with the Ministry of Interior in particular and other relevant Ministries and institutions.

Turkish visa regime is regulated mainly by two laws:

- Passport Law No:5682 of 24 July 1950
- Law On The Residence And Travel of Aliens In Turkey No: 5683 of 17 July 1950



LEGISLATION ON VISA POLICY AND PRACTICE

Passport Law No:5682

This law does not only regulate the Turkish passport regime. It is also the basic legal text outlining the entry conditions of aliens to Turkey. (Articles 1-10 and 24-32 are related to visa issue.)



LEGISLATION ON VISA POLICY AND PRACTICE

Authorities responsible for visa procedures:

Ministry of Foreign Affairs

- Visa Department
- Diplomatic and Consular Representations

Ministry of Interior

- Governor's Offices
- Border police



LEGISLATION ON VISA POLICY AND PRACTICE

General visa provisions in the Passport Law are summarized as follows:



LEGISLATION ON VISA POLICY AND PRACTICE

- Turkish citizens and aliens can enter and exit Turkey only through the border gates designated for this purpose by the Council of Ministers upon the proposal of the Ministry of Interior (Article 1),
- Turkish citizens and aliens are obliged to present a valid passport or a travel document to the police authorities at the border gates, to enter and exit Turkey (Article 2),

LEGISLATION ON VISA POLICY AND PRACTICE

- Other than the ones determined by the laws and international agreements, Ministries of Interior and Foreign Affairs are also authorized to take decisions together as to which types of travel documents to be accepted as valid for the Turkish citizens and aliens (Article 2),
- Save for the exceptions mentioned in this Law, aliens are required to obtain a visa from the Turkish authorities to enter through the Turkish borders. Admission of those not bearing valid visa is subject to the permission of the security (police) authorities (Article 5),



LEGISLATION ON VISA POLICY AND PRACTICE

Exceptions to visa obligations

Turkey has introduced visa-free regime with certain countries either by making bilateral agreements or unilateral decisions.



LEGISLATION ON VISA POLICY AND PRACTICE

Three categories of entry into Turkey:

- Category of countries whose nationals can enter to and stay in Turkey for a pre-determined length of time (maximum three months) without visas,
- Category of countries whose nationals are obliged to obtain visas prior to arriving in Turkey,
- Category of countries whose nationals can obtain visa at the Turkish borders (sticker type of visa).



LEGISLATION ON VISA POLICY AND PRACTICE

- Aliens who are traveling by air and having connecting flight to a third country are not required to obtain a transit visa if they do not leave the airport (Article 6),
- Aliens who departed for other countries and passing transit through Turkey, holding individual or collective passports, traveling with touristic purposes and leisure and arriving at one of the air or seaports of Turkey may enter into Turkish territory without visa and stay overnight with the special permission of the border police (Article 6).



LEGISLATION ON VISA POLICY AND PRACTICE

“AIRPORT TRANSIT VISA”

Airport Transit Visa in the EU *acquis* is not a requirement in the Turkish visa legislation.

However;

According to the proposal, which is pending at the Parliament, for amending the Passport Law No:5682, nationals of certain countries will be subject to Airport Transit Visa.



LEGISLATION ON VISA POLICY AND PRACTICE

Persons prohibited from entering Turkey (Article 8)

- Vagrants and beggars,
- Individuals who are insane or have contagious disease,
- Individuals who have been accused or convicted of a crime which constitutes a reason to repatriate according to an agreement on the repatriation of criminals to which Turkey is a party,
- Individuals who have been deported from Turkey and whose return has not yet been permitted,
- Individuals who are suspect of coming to Turkey to harm public order and security or to help others who aim to harm public order and security,
- Individuals who are involved in illicit human trafficking and prostitution,
- Individuals who do not have money to sustain themselves during their stay in Turkey or to return to their own country.



LEGISLATION ON VISA POLICY AND PRACTICE

PRINCIPLE OF RECIPROCITY (1)

Council of Ministers takes reciprocal actions in case of introduction of visa requirements to Turkish nationals by other countries (Article 9 & 10).



LEGISLATION ON VISA POLICY AND PRACTICE

PRINCIPLE OF RECIPROCITY (2)

Government is authorized to make mutual agreements to exceptionally facilitate the visa procedures including abolishment of visa requirements and/or passport requirements or waiving visa fees, and in necessary cases abolishing visa requirements unilaterally for some countries' citizens (Article 10).



LEGISLATION ON VISA POLICY AND PRACTICE

AUTHORIZATION OF THE MFA

Decree of Council of Ministers No:8/2709 of 10.04.1981
authorizing the MFA to carry out negotiations and
agreements on visa issues.



LEGISLATION ON VISA POLICY AND PRACTICE

VISA ISSUING AUTHORITIES (Article 24)

For official passports:

- Diplomatic missions
- Governorships (Border authorities)

For ordinary passports:

- Consular missions
- Governorships (Border authorities)



LEGISLATION ON VISA POLICY AND PRACTICE

TYPES OF VISAS ISSUED AT THE BORDER

- Sticker Type Of Visa: Issued to the nationals of 35 countries.
- Stamp Type Of Visa : Issued by the border authorities in exceptional cases.



LEGISLATION ON VISA POLICY AND PRACTICE

APPROVAL OF MINISTRY OF INTERIOR

Issuance of visa to the following persons is subject to the approval of the Ministry of Interior (Article 26):

- Stateless persons (Heimatlos),
- Holders of Nansen Passport,
- Holders of all types of travel documents (Affidavit, Laissez-Passer) and similar documents.



LEGISLATION ON VISA POLICY AND PRACTICE

EXEMPTION FROM VISA FEE

Official passports are exempt from visa fee (Article 27).



LEGISLATION ON VISA POLICY AND PRACTICE

TYPES OF VISAS ISSUED BY THE TURKISH AUTHORITIES (Article 25, 28 & 29)

Entry Visa

- Single Entry
- Multiple Entry

Transit Visa

- Single Transit
- Double Transit



LEGISLATION ON VISA POLICY AND PRACTICE

- Single Entry Visa: Issued for a maximum period of three months
- Multiple Entry Visa: Issued for 3-6 months of one year, Unlimited entries are possible
- Single Transit Visa: Entitles the alien to pass transit through Turkey once
- Double Transit Visa: Entitles the alien to pass transit through Turkey twice



LEGISLATION ON VISA POLICY AND PRACTICE

Extension of Duration of Stay of an Alien

Bearer of the visa can stay in Turkey for the duration which is stated in the visa sticker.

Should the alien intend or is obliged to stay in Turkey longer than the permitted duration, extension of duration of stay is subject to the approval of the Ministry of Interior.



LEGISLATION ON VISA POLICY AND PRACTICE

Extension of Duration of Stay of an Alien

Visa extension is not possible in Turkey.

However, an alien may obtain, under the conditions set forth in the Law on the Residence and Travel of Aliens in Turkey No: 5683, a “Residence Permit” in order to continue his stay in Turkey for a certain period of time.



LEGISLATION ON VISA POLICY AND PRACTICE

GENERAL RULES IN TURKISH VISA PROCESSING



LEGISLATION ON VISA POLICY AND PRACTICE

- Consul in diplomatic/consular missions decides to grant a visa.

LEGISLATION ON VISA POLICY AND PRACTICE

- Consultation with central authorities is necessary when;
 - alien is a national of one of the countries whose visa applications are subject to consultation,
 - alien is stateless (Heimatlos),
 - alien holds a travel document (not a passport),
 - alien intends to stay in Turkey for more than three months,
 - alien requests multiple entry visa,
 - alien intends to study or work in Turkey.



LEGISLATION ON VISA POLICY AND PRACTICE

- Application in the alien's country of residence is an obligation.

Exception is applicable in cases of urgency.



LEGISLATION ON VISA POLICY AND PRACTICE

- Personal appearance is necessary,
- Letter of invitation from a reference person is necessary,
- In cases of consultation, visa applications are generally processed within 35 days,



LEGISLATION ON VISA POLICY AND PRACTICE

- In case the visa application is rejected, visa applicant is informed verbally,

Aliens are able to appeal against all actions and acts of administration to the administrative courts (Article 125 of the Turkish Constitution).



LEGISLATION ON VISA POLICY AND PRACTICE

- Residence Permit: Since visa extension does not exist in the Turkish legislation, residence permit, issued upon the approval of the Ministry of Interior, enables the alien to stay in Turkey longer when the visa expires.
(Relevant parts of the Law on the Residence and Travel of Aliens in Turkey No: 5683)



LEGISLATION ON VISA POLICY AND PRACTICE

- Entry-ban lists:

Records of aliens whose entry to Turkey is banned is kept by the Ministry of Interior.



LEGISLATION ON VISA POLICY AND PRACTICE

- Extension of Visa: Visa extension as set forth in the EU acquis does not exist in the Turkish legislation.

Extension of visa is called “Residence Permit” in the Turkish legislation.



LEGISLATION ON VISA POLICY AND PRACTICE

- Documentation in Visa Applications:
 - Valid travel document,
 - Visa application form,
 - Documents supporting the purpose and the conditions of the planned visit (e.g. Letter of invitation, travel itinerary, round trip ticket, hotel reservation etc.),
 - Guarantees regarding means of subsistence,
 - Visa fee,
 - Health insurance may be required however “travel medical insurance” is not obligatory.



**SCREENING CHAPTER 24
JUSTICE, FREEDOM AND SECURITY**

**AGENDA ITEM 11 : THE SCHENGEN ACQUIS
and IMPLEMENTATION MECHANISM**

ADOPTION OF THE EU ACQUIS

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



ADOPTION OF THE EU ACQUIS

“National Programme for the Adoption of the *Acquis*”
(NPAA)

Provides a schedule for the adoption of the relevant
EU *acquis*.



ADOPTION OF THE EU ACQUIS

Turkey has expedited the process of alignment with the EU *acquis* particularly in the fields of EU positive and negative visa lists.

Full alignment with the EU visa lists is one of the binding and applicable part of the Schengen *acquis* upon accession.

Turkey envisages to gradually complete its harmonization process in the years ahead.



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Regulation 539/2001



ADOPTION OF THE EU ACQUIS

Alignment with the EU negative visa list (Annex I of EC/539/2001):

Visa requirements were introduced to;

- six Gulf countries as of Sept. 1, 2002 (Bahrain, Qatar, Kuwait, Oman, Saudi Arabia and United Arab Emirates),
- thirteen countries between May-July 2003 (Indonesia, Rep. Of South Africa, Kenya, Bahamas, Maldives, Barbados, Seychelles, Jamaica, Belize, Fiji, Mauritius, Grenada, St. Lucia).



ADOPTION OF THE EU ACQUIS

Alignment with the EU negative visa list (Annex I of EC/539/2001):

Turkey has visa-free regime with the following countries which are on the EU negative visa list;

Bosnia-Herzegovina, Ecuador, Georgia, Macedonia, Iran, Kazakhstan, Krygyzstan, Morocco, Northern Marianas Islands, Marshall Islands, Trinidad-Tobago and Tunisia.



ADOPTION OF THE EU ACQUIS

Alignment with the EU positive visa list (Annex II of EC/539/2001):

Visa exemptions were introduced to;

- Brazil (in 2004),
- Guatemala (in January 2005),
- Andorra (in October 2005),
- Venezuela (in December 2005).



ADOPTION OF THE EU ACQUIS

Turkish visa regime concerning the EU Members and other countries on the EU positive list:



ADOPTION OF THE EU ACQUIS

Turkey does not require visa from the nationals of the following EU Members:

Czech Republic, Denmark, Finland, France, Germany, Greece, Luxembourg and Sweden.



ADOPTION OF THE EU ACQUIS

Turkey requires visa from the following countries which are on the EU Positive Visa List:

Australia, Brunei, Canada, Mexico, Panama, Paraguay, Romania, the United States of America.



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Decision 2004/512/EC



ADOPTION OF THE EU ACQUIS

Visa Information Technology in Turkey:

POLNET: Database system set up by Ministry of Interior which is similar to SIS.

KONSOLOSLUK.NET: Database system set up by Ministry of Foreign Affairs.

Online link between the MFA and the Mol: Work is underway to interconnect these databases.



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Regulation 1091/2001



ADOPTION OF THE EU ACQUIS

Long Stay Visas:

Turkey has different practice regarding long stay visas.

Should an alien need/wish to stay in Turkey longer than the visa allows, he needs to apply for a “Residence Permit” (as mentioned in Part I-General rules in the Turkish Visa Processing).



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Regulation 415/2003

ADOPTION OF THE EU ACQUIS

Turkish practice in “Issuance of visas at the border, including of such visas to seamen in transit”:

The Turkish legislation and practice allows visa issuance at the border in two ways:

- Sticker type of visa
- Stamp type of visa



ADOPTION OF THE EU ACQUIS

- Sticker Type of Visas:
 - Visas issued to the nationals of 35 countries,
 - Alien should meet the entry conditions of Art. 8 of the Passport Law No:5682,
 - Otherwise entry will be denied,
 - This practice is not in line with the EU practice of visa issuance at the border.



ADOPTION OF THE EU ACQUIS

Turkey envisages to progressively abolish the issuance of “Sticker Type of Visas” in order to align with EC/415/2003.

ADOPTION OF THE EU ACQUIS

- Stamp Type of Visas:
 - Visas issued to aliens who are not nationals of those who can obtain “Sticker Type of Visa”,
 - issued in exceptional cases,
 - Alien should meet the entry conditions of Art. 8 of the Passport Law No:5682,
 - Otherwise entry will be denied,
 - This practice is more in line with EC/415/2003.



ADOPTION OF THE EU ACQUIS

- Visa issuance to Seamen in Transit:
 - Current Turkish practice is partly compatible with the EU *Acquis*,
 - Turkey has bilateral maritime agreements with 24 countries,
 - Turkey accepts seaman's book as a valid travel document,
 - Transit visa is issued (either at the consular post or border) for a period of minimum 72 hours to maximum 7 days,
 - Guarantee from the shipping company is required.



ADOPTION OF THE EU ACQUIS

- Alignment with the Joint Action 96/197/JHA



ADOPTION OF THE EU ACQUIS

Airport Transit Visa:

The Turkish legislation does not have “Airport Transit Visa”.

Alignment in the field of airport transit visas will be achieved both by amending relevant parts of the Passport Law No: 5682 and by unilateral/bilateral arrangements.

According to the proposal, which is pending at the Parliament, for amending the Passport Law No:5682, nationals of certain countries will be subject to “Airport Transit Visa”.



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Regulation 1683/95

ADOPTION OF THE EU ACQUIS

Uniform format for Visas:

Types of visas issued by the Turkish authorities are;

- Entry visas (Single entry, multiple entry, entry with special annotation),
- Transit visas (single and double transit),
- “Airport Transit Visas” or “Long Stay Visas” as in the EU acquis are not issued by the Turkish authorities.

Turkish visa types are not in line with those of the EU visa practice. Relevant parts of the Passport Law need to be duly amended in order to align with EC/1683/95.

ADOPTION OF THE EU ACQUIS

Visa Stickers

Design of the visa stickers in the Turkish practice differs from the uniformly designed EU visa sticker.

Two types of visa stickers:

- Stickers used by diplomatic/consular missions which have certain security features, do not have a machine readable zone and are not in line with the EU standards,
- Stickers used by the border authorities which do not exist in the EU practice.



ADOPTION OF THE EU ACQUIS

Turkey envisages to design and use a new visa sticker with high security features conforming to EU and ICAO standards as a short term priority.

New visa sticker will be designed during the upcoming activities of the “Twinning Project on Visa Policy and Practice TR03-JH-05” which is being implemented by the MFA since 9 September 2005, with the partnership of Denmark and the Netherlands.



ADOPTION OF THE EU ACQUIS

- Alignment with the Council Regulation 333/2002

ADOPTION OF THE EU ACQUIS

Uniform format for forms for affixing the visa:

In the Turkish practice, visa (both consular visa and stamp type of visa issued at the border) is affixed to a separate paper when the passport holder's country is not recognized by Turkey.

In consular missions visa sticker is affixed to a paper which does not have a uniform format.

The border authorities use a uniform form for affixing sticker type of visa.

However, when the travel document is not recognized by the Turkish authorities, visa application or entry is denied.



ADOPTION OF THE EU ACQUIS

CENTRAL VISA AUTHORITY

Visa policy of Turkey is laid down by the MFA in consultation with the Ministry of Interior and other relevant Ministries and institutions.

Central visa authority in the context of Art. 17, Par.2 of the 1990 Schengen Convention has not been established.



ADOPTION OF THE EU ACQUIS

HEALTH INSURANCE:

“Health insurance” or “travel medical insurance” is not obligatory in Turkish visa practice.



THANK YOU FOR YOUR ATTENTION