



## A residence permit on the basis of an international treaty between the European Union and Turkey

This publication sets out the rules that apply to foreigners with Turkish nationality or those who are (or have been) a family member of a foreigner with Turkish nationality. These rules apply on the basis of an international treaty between the European Union and Turkey. On the basis of this international treaty, you may be able to apply for a residence permit that extends further rights than is the case with your current residence permit.

### Residence on the basis of the international treaty

A number of questions are listed below. If you can answer the questions with a 'yes' then you probably fall under the remit of this international treaty between the European Union and Turkey.

There may be two situations:

#### Situation 1

- Are you (among others) a citizen of Turkey?  
*It does not matter if you have another nationality alongside Turkish nationality, e.g. Dutch nationality.*
- Are you in possession of a residence permit which allows you to work in the Netherlands?  
*If you do not have a residence permit but are legally residing in the Netherlands under another system, you may be eligible for residence on the basis of this treaty.*
- Have you been working for the same employer for over 1 year?
- Does this employer still have work for you?

If you could answer all of these questions with a 'yes' then you probably fall under the remit of this international treaty between the European Union and Turkey.

#### Situation 2

- Are you a family member of a Turkish citizen?  
*The term 'family member' is understood to mean the spouse or registered partner of the Turkish employee and their children or grand-children below the age of 21 for whom they are responsible.*
- Is this Turkish citizen in possession of a residence permit in the Netherlands??  
*If the Turkish citizen does not have a residence permit but is legally residing in the Netherlands under another system, you may also be eligible for residence on the basis of this treaty.*  
*NB. This does not apply to Turkish citizens with Dutch nationality.*
- Does this citizen of Turkey work in the Netherlands?
- Are you in possession of a residence permit with the intention of residing with this Turkish citizen?  
*This is indicated in the text on your residence document.*
- Have you been residing, with your residence permit, with this Turkish citizen for longer than 3 years?

If you could answer all of these questions with a 'yes' then you probably fall under the remit of this international treaty between the European Union and Turkey.

If you think that you fall under the remit of this international treaty, you can submit an application to change your current residence permit.

## **No residence entitlement under the international treaty but entitlement according to Dutch regulations**

Dutch regulations encompass various residence objectives on the basis of which persons can reside in the Netherlands. Three residence objectives apply to Turkish citizens, namely:

### **1. Search year**

If you fulfil the conditions below, you will probably be eligible for a residence permit on the basis of searching and carrying out work which could be paid or unpaid (search year).

- You have been married at least 3 years (you are no longer married).
- You were married to a Turkish citizen or a Dutch person who also had Turkish nationality.
- You resided with your spouse in the Netherlands for at least 1 year prior to your separation.

### **2. Continued residence after search year**

If you fulfil the conditions below, you may be eligible for a residence permit as a result of continued residence after search year.

- You currently hold a temporary residence permit on the basis of searching and carrying out work which could be paid or unpaid (search year).
- You found employment within 1 year of this residence permit being issued.  
*This does not apply if you work on a self-employed basis.*
- You have been working there at least 1 year.
- You therefore have sufficient income (independent and sustainable means of existence).

### **3. Three year policy**

If you fulfil the conditions below, you may be eligible for a residence permit on the basis of the three-year policy.

- You are a Turkish citizen.
- You have been working on the application for a residence permit for longer than 3 years, with the aim of working for yourself. During this procedure - which is not yet finalised - you have had a legal residence status at all times.

You cannot submit an application for the third residence objective. You must call upon the three-year policy during the relevant residence period. The IND will then check to see if you fulfil the conditions.

### **Processing of personal data**

The Immigration and Naturalisation Service (IND) processes personal data when it processes your application, notification, or request. This means that if needed the IND will request data from you yourself and other organisations or persons. The IND also uses and stores data and shares them with other organisations. When doing so, the IND strictly adheres to the stipulations of privacy legislation. For instance, the IND must treat data safely and with due care. The law also gives rights. At your request, you are allowed to see which data on you the IND processes. You can also get information on why the IND does so and to whom your data have been passed on. On [www.ind.nl](http://www.ind.nl) you can read how the IND processes your data and which rights you have. You can also read how to use your rights.

*No rights can be derived from the content of the publication. The text of this publication may be used if the source is mentioned.*