

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

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About this guidance

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This guidance tells you how to decide applications from Turkish national workers who wish to apply for an extension of stay in the UK as an employed person, after completing one year's legal employment with the same employer in the UK.</p> <p>Once already registered as belonging to the UK's labour force the rights of Turkish workers are set out in article 6(1) of Decision 1/80 of the Association Council established by the European Community Association Agreement (ECAA) with Turkey.</p> <ul style="list-style-type: none">• Under the first indent of article 6(1) of Decision 1/80, a Turkish worker can be granted permission to work for the same employer after one year's legal employment, if a job is available.• Under the second indent of article 6(1) of Decision 1/80, a Turkish worker can be granted permission to work after three years of legal employment for an employer of their choice, in the same occupation.• Under the third indent of article 6(1) of Decision 1/80, a Turkish worker can have free access to any paid employment of their choice, after four years of legal employment. <p>To see a copy of Decision 1/80, see related links.</p> <p>For more information, see link on left: The text of Article 6(1).</p> <p>Changes to this guidance – This page tells you what has changed since the previous version of this guidance.</p> <p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and</p>	<p>In this section</p> <p>Changes to this guidance</p> <p>Contact</p> <p>Information owner</p> <p>Related links</p> <p>Links to staff intranet removed</p> <p>Downloads</p> <p>Decision 1/80</p>
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	promote the welfare of children and tells you where to find more information.	
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Changes to this guidance

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This page lists changes to the employed applications under the Turkish European Community Association Agreement (ECAA) guidance, with the most recent at the top.

Date of the change	Details of the change
15 August 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping changes.
12 February 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Minor housekeeping and plain English changes.
31 August 2012	Six month review by the modernised guidance team: <ul style="list-style-type: none">• Pre-decision casework:<ul style="list-style-type: none">○ third paragraph, first bullet point, warnings index changed to systems checks• Minor housekeeping changes.
14 March 2012	Modernised by ECAA team and the modernised guidance team.

Related links

See also

[Contact](#)

[Information owner](#)

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Key facts

This page shows you the key facts for employed applications under the Turkish EC Association Agreement

Category: Employed applications under the Turkish EC Association Agreement	
Eligibility requirements	<p>The applicant must be a Turkish national who:</p> <ul style="list-style-type: none"> • is a worker • is duly registered as belonging to the UK's labour force • has been in legal employment with the same employer for at least one year.
Application forms	Extension of stay - ECAA1 Turkish employed.
Cost of application:	No fee
Entry clearance mandatory?	No
Is biometric information required for applications made in the UK?	Biometric information is required for applications submitted on or after 29 February 2012. For more information see: Biometric information .
Code of leave to remain granted	<ul style="list-style-type: none"> • Code 4 (first indent of article 6(1) of Decision 1/80) • Code 2 (second indent of article 6(1) of Decision 1/80) • Code 1 (third indent of article 6(1) of Decision 1/80). <p>For more information, see: Granting leave.</p>
Entry clearance endorsements	Not applicable
Conditions of leave to remain	<p>Limited leave to remain in the UK No recourse to public funds. Emp'd by Changes must be auth'd by the SoS Register at once with the police</p>
How long is leave to remain normally granted for?	<ul style="list-style-type: none"> • After one year's legal employment for the same employer (when the applicant has met the requirements of the first indent of article 6(1) of Decision 1/80) leave must be granted up to the date before the applicant will fall within the second indent of article 6(1) of Decision 1/80. This means you will be able to grant a maximum of two years. • On completing three years of legal employment for the same employer (when the applicant has met the requirements of the second indent of article 6(1) of Decision 1/80), leave must be granted to the date before which the applicant will fall within the third indent Article 6(1) of Decision 1/80. This will be a maximum grant of 12 months. • On completing four years legal employment (when the applicant has met the third indent of article 6(1) of Decision 1/80) leave should not be granted for more than three

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	years. This is unless the circumstances of the employment are such that granting further short period of leave after three years would be unreasonable. For example the applicant is employed on a single contract basis.
Are dependants allowed?	Yes – partner and/or children under 18 if they are applying as dependants. A partner means spouse, civil partner, unmarried or same-sex partner.
Work and study allowed?	Yes.
Is switching into this category allowed?	Yes - typical applicants are those who were in legal employment by virtue of being on code 1 leave as a spouse and their marriage has broken down, or on code 4 as a work permit holder where the work permit is not to be renewed.
Does this category lead to settlement (indefinite leave to remain)?	No
Is knowledge of language and life required?	No
CID case type	Turkish Employed ECAA - LTR
Immigration Rules paragraphs	Not applicable

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Pre-decision casework

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page tells you the checks to make before you decide an application for leave to remain as an employed worker under the Turkish European Community Association Agreement (ECCA).</p> <p>Applicants must provide:</p> <ul style="list-style-type: none">• their current signed passport• the passport of each dependant included as part of the application, and• two identical passport-size photographs of each applicant. <p>Before considering the application you must check the:</p> <ul style="list-style-type: none">• security checks, systems checks and Police National Computer (PNC) have taken place within the last three months• 'person details' on CID match those in the passport• applicant's immigration history on entry clearance records on CRS support the application• 'key documents tracking' screen has been updated• address details on CID are up to date• representative's details have been entered.• date of postmark and date of expiry of last leave are correct. <p>You must also make the same checks for each dependant included in the application. If any of the recorded details are incorrect, you must amend as necessary.</p> <p>You must refer any suspected forged documents to the technical support team for advice.</p> <p>You must also check all previous applications and decisions on CID to see if the information is relevant to the current case.</p>	<p>Related links Downloads</p> <p>Links to staff intranet removed</p>
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	<p>You must update the case notes on CID using the appropriate template before deciding whether further information is required or whether a decision to grant or refuse the application can be made based on the evidence already provided.</p> <p>If you require further information, the case can be placed in B/F for 14 days. To access the template, see related links.</p>	
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Supporting documents required

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This section explains the documents the applicant must submit to prove they meet the requirements of the Turkish employed category under the Turkish European Community Association Agreement (ECAA).</p> <p>If you have reasonable doubts about supporting documents being genuine and accurately reflecting the claims made in the application you must verify the documents with the appropriate agency to determine whether the documents are genuine or false.</p> <p>The applicant must provide:</p> <ul style="list-style-type: none"> • signed and dated current version of ECAA1 (if this is not provided the application must be rejected as invalid) • two identical passport-sized photographs taken within the last three months for: <ul style="list-style-type: none"> ○ main applicant, and ○ any dependants • current passport and previous passports to show entry clearance for: <ul style="list-style-type: none"> ○ main applicant, and ○ any dependants (when applying for an extension of stay) • police registration certificate for main applicant and any dependants • evidence of applicant's leave showing permission to work • evidence of the applicant's previous employment including: <ul style="list-style-type: none"> ○ original payslips, and ○ corresponding bank statements for the entire period of employment • au pairs – letter from host family if payslips and bank statements are not available: <ul style="list-style-type: none"> ○ for more information, see related link: Supporting documents required from au pairs • a letter from the employer as evidence employment will continue: <ul style="list-style-type: none"> ○ with the same employer if legally employed for between one and three years ○ in the same occupational area if legally employed for three years, or ○ with any employer if legally employed for four or more years. 	<p>Related links</p> <p>See also</p> <p>Supporting documents required from au pairs</p> <p>Links to staff intranet removed</p>
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	<p>You must request any missing documents and bring forward (B/F) the case for 15 days for a response.</p> <p>At the end of this period if you are refusing the application you must explain to applicants why and how any missing documents lead to a refusal.</p>	
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Supporting documents required from au pairs

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Qualifying for leave to remain

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Examples of Turkish employed workers

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page gives some examples of Turkish employed workers who are duly registered as belonging to the UK's labour force under article 6 (1) of Decision 1/80 of the Association Council.</p> <p>The concept of a Turkish worker has a Community law definition.</p> <p>Typical applicants are those admitted for a purpose other than employment but with permission to work and will build up rights under article 6(1) as a result of any employment they undertake.</p> <p>For example:</p> <ul style="list-style-type: none">• students working up to 10 hours a week in term time• trainees• apprentices• part-time workers• au pairs, and• those engaged in employment schemes <p>are considered to be workers.</p> <p>You must exclude activities on such a small scale they are regarded as purely marginal and ancillary (extra).</p> <p>People who were in legal employment, because they have code 1 leave as a spouse, whose marriage has broken down, or on code 4 as a work permit holder and the work permit is not being renewed are also eligible to apply.</p> <p>Freedoms within the UK's labour force increase with time, after three years of legal employment a worker can take up employment with any employer within the same</p>	<p>Related links See also</p> <p>Duly registered, legal employment and labour force</p> <p>Out of time applications</p> <p>Applicants on temporary admission (TA)</p> <p>Multiple employers and agency employment</p>
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	occupation and after four years of legal employment a worker can take up any offer of employment.	
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Duly registered, legal employment and labour force

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This page explains the meaning of 'duly registered', 'legal employment' and 'labour force' when used in the European Community Association Agreement (ECAA) Turkish employed category.</p> <p>Duly registered In Community law it implies the applicant is employed on the same conditions of work and pay as those claimed by other workers who pursue identical or similar activities in compliance with the UK's rules and regulations.</p> <p>For example, the worker is paying income tax and national insurance contributions (NICs).</p> <p>Legal employment In Community law it implies the worker has a stable and secure position in the labour force. The employment must be located in or closely linked with the UK.</p> <p>Applicants resident on a temporary basis awaiting the outcome of an application or appeal do not build up article 6(1) rights. If a worker gained previous leave through proactive deception, they will not build up rights under article 6(1).</p> <p>Periods without employment may or may not affect the applicant's accrued article 6(1) rights depending on the circumstances.</p> <p>For more information, see related link: Periods without employment.</p> <p>Labour force The meaning of 'labour force' is broadly interpreted in Community law. There is no distinction between being a member of the general labour force and being part of a specific sector labour force having specific objectives.</p>	<p>Related links See also</p> <p> Examples of Turkish employed workers Out of time applications Applicants on temporary admission (TA) Multiple employers and agency employment Periods without employment </p>
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Out of time applications

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page explains how to consider an application for leave to remain as a Turkish employed worker after they have submitted an out of time application.</p> <p>You must not refuse applications because they were submitted out of time.</p> <p>However, it is consistent with Community case-law any employment undertaken more than 28 days after previous leave (with a right to take up employment) has expired is not legal employment, as the Turkish employed worker will be residing illegally in the UK.</p> <p>You must refuse any application which relies in part or in full on employment undertaken whilst in the UK more than 28 days after previous leave has expired.</p> <p>If an applicant can show they have undertaken the appropriate period of legal employment before their last period of leave elapsed (including the 28 day grace period) and they will continue to work in line with article 6(1) rights, then you must grant leave.</p>	Related links Examples of Turkish employed workers Duly registered, legal employment and labour force Applicants on temporary admission (TA) Multiple employers and agency employment
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Applicants on temporary admission (TA)

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page explains how to consider employment undertaken while an applicant for leave to remain as a Turkish employed worker is on temporary admission (TA).</p> <p>You must refuse an application for leave if the applicant is relying, in part or in full, on employment undertaken while they are on TA.</p> <p>This is because employment undertaken while on TA does not constitute legal employment as the applicant does not meet the requirement for a 'stable and secure position in the labour force' and an 'undisputed right of residence'.</p>	Related links Examples of Turkish employed workers Duly registered, legal employment and labour force Multiple employers and agency employment
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Multiple employers and agency employment

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page tells you the effect of having more than one employer at the same time or obtaining work through an employment agency on an application for leave as an employed person under the Turkish European Community Association Agreement (ECAA).</p> <p>Article 6(1) requires one year or more of continuous legal employment. If employment is not continuous then the application must be refused. However, this requirement does not stop workers from having more than one employer at the same time.</p> <p>Workers who have more than one employer but who can show they have been in continuous legal employment for the appropriate period with one of these employers will meet the requirement.</p> <p>Registration with an employment agency does not in itself constitute being duly registered in the labour force.</p> <p>Applicants whose employment is secured through an employment agency still need to show they have been in continuous employment with the same employer or within the same occupation, through the agency, for the appropriate period.</p>	Related links See also Examples of Turkish employed workers Duly registered, legal employment and labour force Applicants on temporary admission (TA)
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Loss of rights as a Turkish employed worker

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This section tells you the circumstances when a Turkish employed worker can lose their article 6(1) rights.</p> <p>If a Turkish employed worker leaves the labour force and:</p> <ul style="list-style-type: none">objectively no longer has any chance of rejoining it, orexceeds a reasonable time limit for finding new employment <p>they lose any rights built up under article 6(1).</p> <div style="border: 2px solid red; padding: 5px; text-align: center;"><p>Restricted – do not disclose – start of section</p><p>The information in this page has been removed as it is restricted for internal UK Border Agency use only.</p><p>Restricted – do not disclose – end of section</p></div> <p>For more information, see the related link: Periods without employment.</p> <p>If a Turkish employed worker obtained previous leave with an entitlement to work by proactive deception, they will not build up rights under article 6(1).</p> <p>Rights can also be limited on grounds of public policy, public health and public security in accordance with article 14(1) of Decision 1/80.</p> <p>Text of article 14(1) ‘The provisions of this section shall be applied subject to limitations justified on the grounds of public policy, public security or public health.’</p> <p>Public policy and public security The personal conduct of the applicant must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society.</p>	<p>In this section</p> <p>Periods without employment</p>
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	<p>Decisions taken on grounds of public policy or public security must be proportionate and must only refer to the conduct of the applicant.</p> <p>Previous criminal convictions shall not in themselves constitute grounds for refusal. Criminal convictions can be considered as one relevant factor in the fuller assessment of conduct</p> <p>You must get authorisation from a senior caseworker before refusing a Turkish employed application under article 14 of Decision No 1/80.</p>	
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Periods without employment

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Indefinite leave to remain (ILR)

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page tells you how to treat any applications for indefinite leave to remain (ILR) from Turkish employed workers who have completed four or more years in the category.</p> <p>Under article 6(1) of Decision 1/80 of the Association Council there is no provision for a Turkish employed worker to be granted settlement in the UK after completing four years legal employment in the category, only the freedom to take up employment with any employer.</p> <p>For more information, see the related link: Granting leave after four year's employment.</p> <p>You must refer any applications for ILR from Turkish employed workers to the higher executive officer (HEO), senior caseworker who will consider the application with reference to the policy of discretionary leave and leave outside the rules.</p>	Related links Granting leave after four year's employment Links to staff intranet removed
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Family members

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This section tells you how to consider applications for entry clearance or leave to remain from family members of Turkish employed workers.</p> <p>These applications must be considered under article 7 of Decision 1/80 when deciding if it is appropriate to grant or refuse applications.</p> <p>Article 7 states: The members of the family of a Turkish worker duly registered as belonging to the labour force of a Member State, who have been authorised to join them shall:</p> <ul style="list-style-type: none"> • be entitled, subject to the priority to be given to workers of Member States of the Community, to respond to any offer of employment after they have been legally resident for at least three years in that Member State • enjoy free access to any paid employment of their choice provided they have been legally resident there for at least five years. <p>Children of Turkish workers who have completed a course of vocational training in the host country may respond to any offer of employment there, irrespective of the length of time they have been resident in that Member State.</p> <p>This is provided one of their parents has been legally employed in the Member State concerned for at least three years.</p> <p>Applicants must show they are genuine family members before getting authorisation to join, or remain with, the main applicant.</p> <p>Family members are:</p> <ul style="list-style-type: none"> • spouses • civil partners 	<p>In this section</p> <p> Loss of rights as a family member Partners of Turkish employed workers Children of Turkish employed workers </p> <p>Related links See also</p> <p>Links to staff intranet removed</p>
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- unmarried and same-sex partners, and
- children.

The criteria are based on those used for family members of points-based system (PBS) migrants. To build up rights under article 7, a family member must cohabit with the main applicant for three years, during which time they must continue to meet the criteria for family members of PBS migrants.

For more information, see related link: Points-based system (dependant) policy guidance.

After three year's lawful residence a family member will get their own right of access to the labour force, set out in the first indent of article 7 and with it a right of residence protected by European Union (EU) law.

In addition, a qualifying family member will be granted code 1 leave with permission to work and if they choose to work will also build up rights under article 6(1) after one year of legal employment.

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Loss of rights as a family member

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	even if the principal worker leaves the UK or ceases working.	
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Partners of Turkish employed workers

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page explains the requirements for spouses, civil partners, unmarried and same-sex partners of a Turkish employed worker to qualify for entry clearance or leave to remain as the partner of a Turkish employed worker.</p> <p>The applicant must be the:</p> <ul style="list-style-type: none">• spouse• civil partner, or• unmarried or same-sex partner <p>of a person who:</p> <ul style="list-style-type: none">• has valid leave to remain as a Turkish employed worker, or• is at the same time being granted leave to remain as a Turkish employed worker. <p>The applicant and the Turkish employed worker must be over the age of 18 on the date the application is made.</p> <p>The applicant must not fall for refusal under the general grounds</p> <ul style="list-style-type: none">• in the light of their character or conduct• their associations must not represent a danger to national security, and• they must not be an illegal entrant. <p>An unmarried or same-sex partner of a Turkish employed worker must meet the following requirements:</p> <ul style="list-style-type: none">• any previous marriage, civil partnership or similar partnership of either the applicant or the Turkish employed worker with another person must have permanently broken down	<p>Related links</p> <p>Loss of rights as a family member</p> <p>Children of Turkish employed workers</p> <p>Links to staff intranet removed</p>
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

- the applicant and the Turkish employed worker must not be so closely related that they would be prohibited from marrying each other in the UK
- the applicant and the Turkish employed worker must have been living with each other in a relationship similar to marriage or civil partnership for at least two years before the application being made.

You must be satisfied the:

- partnership is subsisting at the time the application is made
- applicant and the Turkish employed worker intend to live together throughout their stay in the UK, and
- applicant does not intend to stay beyond any period of leave granted to the Turkish employed worker.

The applicant who is applying for leave to remain must have, or have last been granted leave as the:

- partner of a Turkish employed worker, or
- spouse, civil partner, unmarried or same-sex partner of a person with leave under another category of these rules who has since been granted, or at the same time is being granted leave to remain as a Turkish employed worker.

If the applicant meets these requirements you must grant entry clearance or leave to remain.

If they do not meet these requirements you must refuse the application.

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed workers

Children of Turkish employed workers

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This page explains the requirements for children of a Turkish employed worker to qualify for entry clearance or leave to remain.</p> <p>The applicant (child) must be the child of a parent who:</p> <ul style="list-style-type: none"> • has leave to remain as a Turkish employed worker, or • is at the same time being granted leave to remain as a Turkish employed worker. <p>The child must be:</p> <ul style="list-style-type: none"> • under the age of 18 on the date the application is made, or • if over 18 and applying for leave to remain, must have, or have last been granted: <ul style="list-style-type: none"> ○ leave as the child of a Turkish employed worker, or ○ as the child of a parent with leave under another category of these rules who has since been granted, or • at the same time is being granted leave to remain as a Turkish employed worker. <p>The child must not fall for refusal under general grounds:</p> <ul style="list-style-type: none"> • in the light of their character or conduct • their associations must not represent a danger to national security, and • they must not be an illegal entrant. <p>The child must not:</p> <ul style="list-style-type: none"> • be married or in a civil partnership • have formed an independent family unit • be leading an independent life. <p>You must be satisfied the applicant does not intend to stay beyond any period of leave</p>	<p>Related links See also</p> <p> Loss of rights as a family member Partners of Turkish employed workers </p> <p>Links to staff intranet removed</p>
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	<p>granted to the Turkish employed worker.</p> <p>Both of the applicant's parents must either be lawfully present in the UK, or being granted entry clearance or leave to remain at the same time as the applicant, unless:</p> <ul style="list-style-type: none"> • the Turkish worker is the applicant's only surviving parent • the Turkish worker parent has and has had sole responsibility for the applicant's upbringing, or • there are most exceptional serious or compelling family or other considerations which would make it desirable not to refuse the application and suitable arrangements have been made in the UK for the applicant's care. <p>Unless the child was born in the UK, the child who is applying for leave to remain must have, or have last been granted leave as the child of a:</p> <ul style="list-style-type: none"> • Turkish employed worker, or • parent with leave under another category of these rules who has since been granted, or at the same time is being granted leave to remain as a Turkish employed worker. <p>If the child meets these requirements you must grant entry clearance or leave to remain. If the child does not meet these requirements, you must refuse the application.</p>	
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

Turkish employed applications

Granting leave

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This section tells you how to grant leave to employed applications under the Turkish European Community Association Agreement (ECAA) that meet all the requirements.</p> <p>For more information, see links in this section:</p> <ul style="list-style-type: none">• Granting leave after one year's employment• Granting leave after three year's employment• Granting leave after four year's employment.	<p>In this section</p> <p>Granting leave after one year's employment</p> <p>Granting leave after three year's employment</p> <p>Granting leave after four year's employment</p>
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Granting leave after one year's employment

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page tells you how to consider initial applications for leave as a Turkish employed worker under the first indent of article 6(1), when the applicant has been employed with the same employer for one year.</p> <p>The purpose is to allow the Turkish worker, after one year’s legal employment with the same employer, to continue working for the same employer after the initial year. The aim is to make sure there is continuity of employment.</p> <p>Continuity of employment</p> <p>If a Turkish worker has completed one year’s legal employment for the same employer under the first indent of article 6(1), you must grant leave to the date before which the applicant will be within the second indent. This means applicants can be granted a maximum of two years leave.</p> <p>You must refuse leave if the employment is not continuous, even if the applicant has completed a full year’s employment without interruption but for two different employers. The applicant will only qualify after completing one full year’s employment with the same employer.</p> <p>Type of leave granted</p> <p>Applicants who are within the first indent of article 6(1) must be granted code 4 leave. The endorsement will specify which employer they can work for.</p> <p>Where a worker has obtained previous leave through proactive deception, they will not build up rights under article 6(1).</p> <p>To calculate the correct period of leave to grant a Turkish employed worker, see related link: ECAA leave calculator.</p> <p>Examples</p> <table><tr><td>Worker continuously in legal</td><td>Duration of grant of leave</td></tr></table>	Worker continuously in legal	Duration of grant of leave	<p>In this section</p> <p>Granting leave after three year’s employment</p> <p>Granting leave after four year’s employment</p> <p>Related links</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
Worker continuously in legal	Duration of grant of leave			

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	employment for:		
	12 months	Two years	
	18 months	Further 18 months	

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Granting leave after three year's of employment

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This page tells you how to consider applications for leave as a Turkish employed worker under the second indent of article 6(1), when the applicant has been employed with the same employer for three years.</p> <p>This allows the Turkish worker, after three years of legal employment with the same employer to change employers and respond to any offers of employment for the same occupation.</p> <p>If a Turkish worker has completed three years of legal employment for the same employer under the second indent of article 6(1), you must grant leave to the date before which the applicant will be within the third indent. This means applicants can be granted a maximum of 12 months leave.</p> <p>Absences and continuity You must count any short absences such as annual leave, maternity or paternity leave, absences resulting from accidents at work and short periods of sickness leave as legal employment.</p> <p>Long absences such as involuntary unemployment do not count as legal employment but do not affect article 6(1) accrued rights before the absence.</p> <p>Type of leave granted Applicants who fall within the second indent of article 6(1) must be granted code 2 leave. The endorsement will specify which occupation field they are entitled to work in.</p> <p>Where a worker has obtained previous leave through proactive deception, they will not accrue rights under article 6(1).</p> <p>To calculate the correct period of leave to grant a Turkish employed worker, see related link: ECAA leave calculator.</p>	<p>In this section</p> <p> Granting leave after one year's employment Granting leave after four year's employment </p> <p>Related links Downloads</p> <p>Links to staff intranet removed</p>
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	Examples		
	Worker continuously in legal employment for:	Duration of grant of leave:	
	Three years	Further 12 months	
	Three years and four months	Further eight months	

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Granting leave after four year's employment

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page tells you how to consider applications for leave as a Turkish employed worker under the third indent of article 6(1) of Decision 1/80 of the Association Council, when the applicant has been employed in the same occupation for four years.</p> <p>This allows a Turkish worker with four years of legal employment in the same occupation to enjoy free access to any paid employment. This includes the right to seek employment for a 'reasonable period'.</p> <p>If a Turkish worker has completed four years of legal employment for the same occupation under the third indent of article 6(1), you must grant leave up to a maximum of three years.</p> <p>Type of leave granted</p> <p>Applicants who are within the third indent are granted code 1 leave. There is no specified employer or occupation on the endorsement.</p> <p>Applicants must be granted leave for a duration which takes account of the length and stability of the applicant's employment and the evidence they can produce in support of their ongoing employment.</p> <p>Grants under the third indent should not exceed three years. This is unless the circumstances of the employment are such that granting a further short period of leave after three years would be unreasonable.</p> <p>For example if the applicant is employed on a single contract basis.</p> <p>To calculate the correct period of leave to grant a Turkish employed worker, see related link: ECAA leave calculator.</p> <p>Examples</p> <table><tr><td>Worker continuously in legal employment for:</td><td>Duration of grant of leave</td></tr></table>	Worker continuously in legal employment for:	Duration of grant of leave	<p>In this section</p> <p>Granting leave after one year's employment</p> <p>Granting leave after three year's employment</p> <p>Related links</p> <p>Downloads</p> <p>Links to staff intranet removed</p>
Worker continuously in legal employment for:	Duration of grant of leave			

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	Four years and working with the same employer continuously for two years or more	Up to three years	
	Four years and has periods of involuntary unemployment and can only produce evidence of short term future employment	Between one and two years	

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ECAA Turkish employed applications

Rights of appeal

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This page tells you if an applicant has a right of appeal if their employed application under the Turkish European Community Association Agreement (ECAA) is refused.</p> <p>Applicants can appeal under section 82 and 92(2) of the Nationality, Immigration and Asylum (NIA) Act 2002 if the 'immigration decision' attracts a right of appeal on one or more of the grounds listed in section 84 of the act.</p> <p>Appeals will be made to the Immigration and Asylum Chamber (IAC) of either the First-tier Tribunal or the Upper Tribunal, which is independent of the Home Office.</p> <p>The appellant may decide to provide new evidence which was not available at the time the original decision was made.</p> <p>Part 5 of the act introduced the principle of a 'one-stop' system which was designed to prevent applicants from extending their stay by mounting multiple appeals. This means applicants can only have one application running at any one time.</p> <p>Information on any appeals lodged with IAC can be found on the appeals maintenance screen on CID.</p> <p>Leave and any conditions attached to it is extended to the time when an appeal could be brought, or while an appeal hearing is pending.</p> <p>The time limit for appealing against a decision is 10 working days after the receipt of the notice of decision. Receipt is assumed to be two days after the decision was despatched unless there is any evidence to the contrary.</p> <p>Leave to remain refusals You will need to consider whether the application was raised in time, out of time or whether the applicant has existing leave as follows:</p>	<p>External links</p> <p>Nationality, Immigration and Asylum Act 2002</p>
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	Applications made: in time, under the provisions of Decision 1/80	Decision: refused, with no leave left as a result	Right of appeal: Yes, under: <ul style="list-style-type: none">• Section 82, and• Section 92(2) NIA Act 2002
	out of time, under the provisions of Decision 1/80	refused, with no leave left as a result	No, under section 82(2) of the NIA Act 2002, unless the appeal is accepted by IAC.
	with existing leave	refused, with existing leave which is not curtailed	No
	<p>Notice of decision with right of appeal Where the decision attracts a right of appeal you must issue a:</p> <ul style="list-style-type: none"> • notice of decision using ICD.4547, and • reasons for refusal letter (RFRL) using ICD.3050 setting out the detailed circumstances why the application falls for refusal against the requirements of article 6(1). <p>Notice of decision without right of appeal Where the decision attracts a right of appeal you must issue a notice of decision using ICD.2242.</p>		

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Refusal wordings

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This section contains suggested refusal wording for refusal notices when refusing a person who has applied for further leave to remain in the UK as a Turkish employed worker.</p> <p>The refusal wordings set out the:</p> <ul style="list-style-type: none"> • specific reasons for refusal based on the requirements of article 6(1) followed by, • suggested wording for refusal notices describing why the requirements have not been met. <p>Where the decision attracts a right of appeal you must issue a:</p> <ul style="list-style-type: none"> • notice of decision using ICD.4547 – this summarises the main reasons for refusal, and • reasons for refusal letter (RFRL) using ICD.3050 – this sets out the detailed circumstances why the application falls for refusal against the requirements of article 6(1). <p>The reasons for refusal must always be expanded to accurately reflect the detailed circumstances why the application falls for refusal against the requirements of article 6(1).</p> <p>You must make sure the wordings are relevant and specific to the case in question. The wording must explain exactly which requirements have not been met and why they have not been met in the light of the evidence provided.</p> <p>In cases where none of the examples are relevant, you can draft alternative wordings, explaining which requirements have not been met and why they have not been met.</p> <p>For more information, see related links:</p> <ul style="list-style-type: none"> • Refusal wording – main requirements • Refusal wording – grounds of public policy, security or health. 	<p>In this section</p> <p> Refusal wording – main requirements Refusal wording – grounds of public policy, security or health </p>
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ECAA Turkish employed applications

Refusal wording - main requirements

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page provides suggested refusal wordings for ICD.2240 refusal notices when you refuse a person who has applied for leave to remain as a Turkish employed worker under article 6(1) of Decision 1/80.</p> <p>You must use the following introductory paragraph in all formal notices to applicants or their representatives:</p> <p>You applied for/Name of representative applied on your behalf for further leave to remain in the United Kingdom as a worker under Article 6(1) of decision 1/80 of the Association Council established by the European Community Association Agreement (ECAA) with Turkey, but your application has been refused because I am not satisfied that:</p> <table><tr><th>Reason</th><th>Suggested wordings</th></tr><tr><td>You have not provided sufficient evidence to show that your period of employment matches the period required</td><td>You have only provided evidence to show that you have been employed by [employer’s name] for a period of [length of employment]. You do not therefore qualify for leave to remain to continue working for [employer]/to pursue employment within the same occupation/to pursue any offer of employment in the United Kingdom.</td></tr><tr><td>You have not provided sufficient evidence to show that your period of employment has been continuous</td><td>You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided sufficient evidence to show that this period of employment has been on a continuous basis.</td></tr><tr><td>You have not provided sufficient evidence to show that your employment is continuing</td><td>You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided evidence to show that you will continue to work for [employer’s name].</td></tr></table>	Reason	Suggested wordings	You have not provided sufficient evidence to show that your period of employment matches the period required	You have only provided evidence to show that you have been employed by [employer’s name] for a period of [length of employment]. You do not therefore qualify for leave to remain to continue working for [employer]/to pursue employment within the same occupation/to pursue any offer of employment in the United Kingdom.	You have not provided sufficient evidence to show that your period of employment has been continuous	You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided sufficient evidence to show that this period of employment has been on a continuous basis.	You have not provided sufficient evidence to show that your employment is continuing	You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided evidence to show that you will continue to work for [employer’s name].	<p>In this section</p> <p>Refusal wording – grounds of public policy, security or health</p>
Reason	Suggested wordings									
You have not provided sufficient evidence to show that your period of employment matches the period required	You have only provided evidence to show that you have been employed by [employer’s name] for a period of [length of employment]. You do not therefore qualify for leave to remain to continue working for [employer]/to pursue employment within the same occupation/to pursue any offer of employment in the United Kingdom.									
You have not provided sufficient evidence to show that your period of employment has been continuous	You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided sufficient evidence to show that this period of employment has been on a continuous basis.									
You have not provided sufficient evidence to show that your employment is continuing	You have provided evidence to show that you have been in employment with [employer’s name] for [period of time] but you have not provided evidence to show that you will continue to work for [employer’s name].									

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	Your period of employment was not entirely undertaken within 28 days since the expiry of your last leave	Your last period of leave to remain in the United Kingdom [extended by virtue of section 3C of the Immigration Act 1971] expired on [date]. However, the period of employment upon which you are basing this application did not begin until [date, that must postdate 28 days after last period of leave expired]. Since that date you are not considered to have been legally employed in the UK as you have had no lawful basis for remaining in the UK.	
	Your period of employment was not in part undertaken within 28 days since the expiry of your last leave	Your last period of leave to remain in the United Kingdom [extended by virtue of section 3C of the Immigration Act 1971] expired on [date]. However, the period of employment upon which you are basing this application includes [X months/ years] of employment undertaken 28 days after your last period of leave expired on [date that last leave expired]. Since that date you are not considered to have been legally employed in the UK as you have had no lawful basis for remaining in the UK. You have not therefore undertaken legal employment for a period of [one/three/four or more year(s)].	
	Your period of employment was not undertaken entirely whilst on section 3C leave	Your last period of leave to remain in the United Kingdom expired on [date] and was extended by virtue of section 3C of the Immigration Act 1971 until [date]. However, the period of employment upon which you are basing this application did not begin until [date, that must postdate the beginning of 3C leave], once you were on 3C leave. European Community (EC) law defines 'legal employment' as having a stable and secure position in the labour force and an undisputed right of residence' and states explicitly that this does not include those 'resident on a provisional basis awaiting the grant of [leave] or someone who is authorised to work whilst he or she appeals against a decision refusing [leave]'. Your	

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		employment with [employer's name] does not therefore meet the EC threshold for legal employment.	
	Your period of employment was not undertaken in part whilst on section 3C leave	Your last period of leave to remain in the United Kingdom expired on [date] and was extended by virtue of section 3C of the Immigration Act 1971 until [date]. The period of employment upon which you are basing this application began on [date] and includes [X months/ years] on 3C leave. European Community (EC) law defines 'legal employment' as having a stable and secure position in the labour force and an undisputed right of residence" and states explicitly that this does not include those 'resident on a provisional basis awaiting the grant of [leave] or someone who is authorised to work whilst he or she appeals against a decision refusing [leave]'. You have not therefore undertaken employment that meets the EC threshold for legal employment for a period of [one/three/four or more year(s)].	

This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Refusal wording - grounds of public policy, security or health

<p> Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background </p>	<p>This page provides suggested refusal wordings for ICD.2240 refusal notices when you refuse a person who has applied for leave to remain as a Turkish employed worker under article 14 of Decision 1/80.</p> <p>You must use the following introductory paragraph in all formal notices to applicants or their representatives:</p> <p>You applied for/Name of representative applied on your behalf for further leave to remain in the United Kingdom under the provisions of [Article 6 or Article 7] of decision 1/80 of the Association Council established by the ECAA with Turkey, but your application has been refused on grounds of [public policy, public health or public security].</p> <p>You are referred to Article 14(1) of decision No 180 which states:</p> <p>‘The provisions of this section shall be applied subject to limitations justified on the grounds of public policy, public security or public health.’</p> <p>Further to the highlighted section of Article 14(1) your application is refused because:</p> <p>Your personal conduct represents a genuine, present and sufficient serious threat affecting one of the fundamental interests of society:</p> <ul style="list-style-type: none"> • The Home Office has reviewed your application as a whole, taking into account all the relevant circumstances, which includes your record of past criminality. You were convicted for [type of offence and date convicted]. • In reviewing previous criminal convictions, the Home Office considers a variety of factors, these may include for example, the type and severity of the crime committed, the sentencing court’s view of the seriousness of the offence as reflected in the sentence imposed, the result of any appeal upon that sentence, the length of time which has passed since evidence of criminality, the culpability of the offender, the 	<p>In this section</p> <p>Refusal wording – main requirements</p>
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	<p>propensity to re-offend, the harm to the victim and the effect of that type of crime on the wider community. These considerations have been weighed up against the need to protect the public.</p> <ul style="list-style-type: none">• All the facts known about your past conviction(s) have been reviewed and in your case, [provide detail quoting from the sentencing judge's judgment]• The Secretary of State, having taken into account all the circumstances of your case, has therefore deemed that refusal is appropriate on the basis that Article 14(1) permits limitation of rights on the ground of [public policy, public security or public health]. Furthermore, in line with Article 14 of Decision 1/80, your accrued employment rights have been lost.	
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ECAA Turkish employed applications

The text of article 6(1)

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page shows you the text of article 6(1) of Decision 1/80 of the Association Council that sets out the entitlements of Turkish employed workers once admitted to the UK's labour force.</p> <p>It also explains how their freedoms within the labour force increase after one, three and four years of legal employment.</p> <p>You must consider applications for an extension of stay in the UK as a Turkish worker under article 6(1) when deciding whether to grant or refuse leave to remain.</p> <p>Article 6(1) states:</p> <ul style="list-style-type: none">• 'Subject to Article 7 on free access to employment for members of his family, a Turkish worker duly registered as belonging to the labour force of a Member State shall:<ul style="list-style-type: none">○ be entitled in that Member State, after one year's legal employment, to the renewal of his permit to work for the same employer, if a job is available○ be entitled in that Member State, after three years of legal employment and subject to the priority to be given to workers of Member States of the Community, to respond to another offer of employment, with an employer of his choice, made under normal conditions and registered with the employment services of that State, for the same occupation○ enjoy free access in that Member State to any paid employment of his choice, after four years of legal employment.'• 'Annual holidays and absences for reasons of maternity or an accident at work or short periods of sickness shall be treated as periods of legal employment. Periods of involuntary unemployment duly certified by the relevant authorities and long absences on account of sickness shall not be treated as periods of legal employment, but shall not affect rights acquired as the result of the preceding period of employment.'• 'The procedures for applying paragraphs 1 and 2 shall be those established under national rules.'	
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Background

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page explains the background to the rights given by the Ankara Agreement to legally employed Turkish workers in the UK.</p> <p>The Turkish European Community Association Agreement (ECAA) was set up under the Ankara Agreement in 1963 to promote economic and social links between the European Economic Community (EEC) and Turkey and the eventual accession of Turkey to the European Union (EU).</p> <p>Article 6(1) of Decision 1/80 of the Association Council refers to the progressive rights of Turkish workers over time who are in legal employment and duly registered as belonging to the labour force of the UK.</p> <p>Turkish employed applicants must satisfy the following three requirements. They must:</p> <ul style="list-style-type: none">• be a worker• be duly registered as belonging to the UK's labour force, and• have been in legal employment with the same employer for a least one year. <p>The term 'worker' follows the EU definition and includes:</p> <ul style="list-style-type: none">• trainees• apprentices• part-time workers• au pairs, and• those engaged in employment schemes. <p>Any person who pursues a genuine and effective economic activity under the direction of an employer and who receives remuneration in cash or kind meets this definition.</p> <p>Small scale activities regarded as marginal or ancillary are excluded.</p>	
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

	<p>Once admitted to the UK's labour force, the worker's freedoms within the labour force increase after one year's legal employment, three years of legal employment and four years of legal employment.</p> <p>This guidance only applies to applications made under the worker provisions of the Turkish ECAA. Turkish nationals who wish to set up in business in the UK are considered separately in line with different requirements.</p>	
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Contact

Key facts Pre-decision casework Supporting documents required Qualifying for leave to remain Loss of rights as a Turkish employed worker Indefinite leave to remain Family members Granting leave Rights of appeal Refusal wording The text of Article 6(1) Background	<p>This page explains who to contact for more help with a specific case in the Turkish employed worker category.</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, they or you, may email: Non-points-based system (PBS), operational policy team, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these, using the link on the right: Email: Modernised guidance team.</p>	Related links Changes to this guidance Information owner External links Links to staff intranet removed
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This guidance is based on article 6(1) of Decision 1/80 of the Association Council established by the ECAA with Turkey

ECAA Turkish employed applications

Information owner

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This page tells you about this version of the Turkish employed worker guidance and who owns it.

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Valid from date	15 August 2013
Policy owner	Non-points-based system (PBS), temporary migration operational policy team
Cleared by director	Neil Hughes
Director's role	Acting temporary migration director
Clearance date	5 March 2012
This version approved for publication by	Jan Hunter
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Approval date	15 August 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact the Non-PBS, operational policy team, who will ask the MGT to update the guidance, if appropriate.

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Related links

[Changes to this guidance](#)

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[Email: Non-PBS, operational policy team](#)

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