

A NOTE ON THE RIGHT TO EDUCATION OF FOREIGNERS IN TURKEY WITH A TOURIST VISA OR RESIDENCE PERMIT



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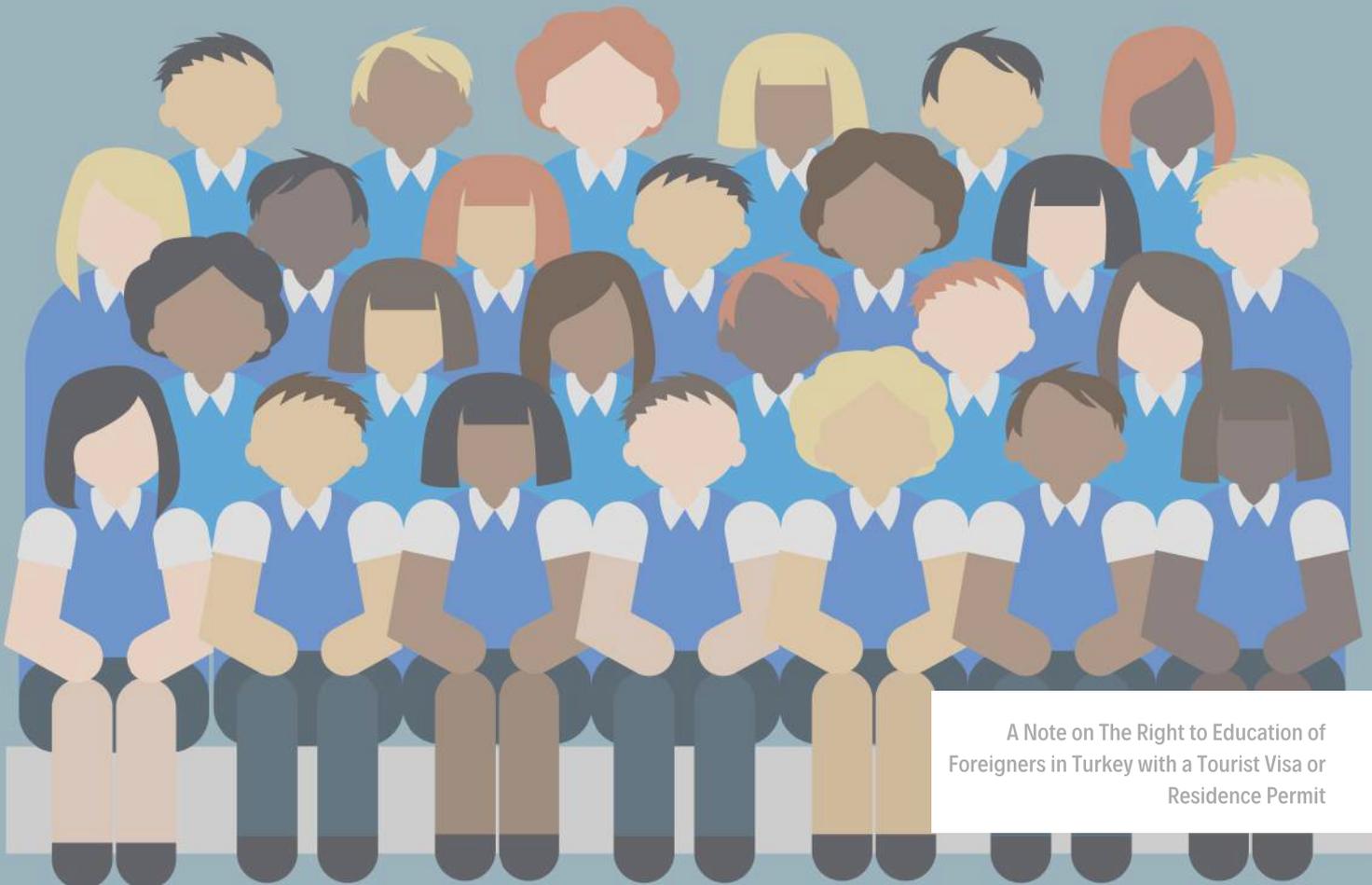
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OBJECTIVE

This note provides information on the right to education foreigners in Turkey with a tourist visa or residence permit.

BENEFICIARY

The beneficiaries of this note are foreigners, primarily LGBTI+ people who are not Turkish citizens but who have a Turkish tourist visa or residence permit.



DEFINING THE RIGHT TO EDUCATION



While education is a broad concept that includes acquiring knowledge, skills and understanding related to an individual's social life, the verb "learning" is defined as study carried out to acquire the knowledge, skills and habits necessary for any profession, art or job.

The right to education is among the most fundamental human rights. Article 2 of Protocol No. 1 under the European Convention on Human Rights states that no person should be denied the right to education. Similarly, Article 42 of the Turkish Constitution guarantees the right to education by stating that no one should be deprived of the right to education regardless of their citizenship. In this respect, as a rule,

foreigners are free to study in Turkey with a few conditions and restrictions. Article 16 of the Turkish Constitution stipulates that the law may only restrict foreigners' fundamental rights and freedoms if it is compatible with international law.

The fundamental conditions that must exist for a foreigner to exercise the right to education in Turkey are legally entering into Turkey, submitting a passport or any other valid official documents substituting a passport and not having been issued a prohibition to entry order.

WHAT ARE THE RIGHTS PROVIDED BY A RESIDENCE PERMIT WITHIN THE CONTEXT OF THE RIGHT TO EDUCATION?

Foreigners who are not in Turkey but wish to study in Turkey must obtain an education visa from their foreign representative offices. The government may issue education visas to foreigners who wish to come to Turkey for education, training and internship purposes, or within the context of a student exchange program or Turkish language training. It is essential to apply for a student residence permit with a student certificate obtained from the relevant educational institution within one month of entering Turkey with an education visa.

The Turkish government issues tourist visas to foreigners who wish to visit Turkey for the following purposes: touristic or official visits, business meetings, conferences, seminars, other meetings, festivals, fairs, exhibitions, sports events, and cultural and artistic events. A tourist visa exclusively grants the right to enter Turkey for touristic purposes. However, foreigners staying in Turkey for more than 90 days must obtain a residence permit. As a result, foreigners currently in Turkey with tourist visas who wish to study in Turkey must obtain a residence permit.



THE RIGHT TO EDUCATION AND RESIDENCE PERMIT TYPES

Student Residence Permit

Foreigners studying for an undergraduate or postgraduate degree and foreigners who will study in Turkey through public institutions and organizations can receive a student residence permit.

Foreigners who do not have a family residence permit and who will receive primary or secondary education must obtain a student residence permit. Within this context, the government can issue a one-year-long student permit to foreigners who will receive primary and secondary education, subject to the consent of their parents or legal guardians. The government can renew the student residence permit throughout their studies.

Those who enter Turkey with a valid work permit, work permit exemption certificate, humanitarian residence permit and residence permit for victims of human trafficking, and applicants for international protection and those who qualify for international protection are not required to obtain a student residence permit to study in Turkey.

Long-term Residence Permit

Those who already obtained a long-term residence permit are not required to obtain a student residence permit to study in Turkey.



THE RIGHT TO EDUCATION AND RESIDENCE PERMIT TYPES



Family Residence Permit

Foreigners with a family residence permit can receive primary and secondary education until the age of 18 without needing a student residence permit.

Short-term Residence Permit

This permit is given to those who come to Turkey for scientific research; to participate in in-service training programs; to those who come to Turkey for education or similar purposes within the framework of agreements or student exchange programs to which Turkey is a party; to attend Turkish language courses; and to study in Turkey through public institutions to participate in research, internship and courses. Much like primary, secondary and higher education institutions, it is sufficient to obtain a short-term residence permit for foreigners who will participate in some educational activities that are not scheduled for a certain period.

WHAT IS THE RIGHT TO EDUCATION OF FOREIGNERS AT EDUCATIONAL INSTITUTIONS?

Preschool Education

Preschool education in Turkey is given by public or private education institutions affiliated with the Ministry of National Education. The right to enter preschool education institutions is granted to all children, without discriminating against citizens and foreigners.

Primary And Secondary Education Institutions

There is no difference between foreigners and citizens in terms of studying in primary and secondary education institutions affiliated with the Ministry of National Education. However, where primary and secondary education is compulsory for Turkish citizens in accordance with the Turkish Constitution, it is optional for foreigners. Primary and secondary education is free in public schools for foreigners as well as Turkish citizens.

WHAT IS THE RIGHT TO EDUCATION OF FOREIGNERS AT EDUCATIONAL INSTITUTIONS?

Private Education Institutions

A quantitative limitation has been introduced for the number of foreign students that can be admitted to these institutions. Accordingly, the number of foreign students that can be enrolled in a private education institution cannot exceed 30% of the number of Turkish citizens studying at that institution.

Only foreign students can study in international private education institutions that provide education for primary and secondary education degrees, and Turkish citizens are prohibited from studying in these institutions. Foreign and Turkish citizens can receive coeducation in foreign schools that were established by foreigners in Turkey during the Ottoman Empire and that continue their activities today. In terms of minority schools guaranteed by the Treaty of Lausanne, it is not possible for Turkish citizens and foreigners who are not members of the relevant minority to study in these institutions.

Higher Education

The Council of Higher Education determines the procedures and principles for the admission of foreign students to higher education institutions. Foreigners must apply to higher education institutions in Turkey separately and fulfill the criteria determined by the relevant institution (grade point average, international exam score such as GRE, GMAT and SAT, etc.).

In accordance with international agreements, the Council of Higher Education carries out the placement procedures of foreign students who will study in higher education institutions in Turkey with a scholarship.

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