

## LAW OF TURKMENISTAN

### On Refugees\*<sup>1</sup>

*The present Law shall specify the order and provisions of recognizing a person as a refugee, (his/her) legal status; shall establish legal, economic and social guarantees of protecting a refugee's rights.*

#### CHAPTER I. GENERAL PROVISIONS

##### **Article 1. Main definitions**

The following main definitions shall be used in the present Law:

1) **refugee** is a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is in Turkmenistan and is unable or, owing to such fear, is unwilling to avail himself of the protection of his country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it;

2) **place of temporary residence** is a place of residence of a person who applied with a petition about granting status of refugee, and members of his family;

3) **refugee certificate** is a document of a standard form which identifies personality of a person who has been granted refugee status in Turkmenistan;

4) **refugee travel document** is a document of a standard form which shall grant a refugee the right to leave from Turkmenistan and enter Turkmenistan;

5) **temporary certificate on registration of a claim for granting refugee status** is an identity document and a document confirming legitimacy of a person's stay on the territory of Turkmenistan in the period of consideration of a claim on granting refugee status;

6) **status of refugee** is a legal status of a person recognized as a refugee in Turkmenistan defined in the legislation of Turkmenistan.

##### **Article 2. Legislature of Turkmenistan on Refugees**

The legislature of Turkmenistan on refugees shall be based on the Constitution of Turkmenistan, universally recognized principles and norms of international law and shall consist of the present Law and other regulatory legal acts of Turkmenistan.

If the international agreement of Turkmenistan shall establish rules other than stipulated by the present Law, then the rules of the international agreement shall be applied.

##### **Article 3. Guarantees of Rights of Refugees**

1. A person shall be released from the responsibility for illegal entry and illegal stay on the territory of Turkmenistan if after having arrived from the territory where his life or freedom were exposed to danger, shall without delay lodge a petition on granting the status of refugee to officials of public authorities and local administration of Turkmenistan.

2. Unless a decision on his petition is taken, a refugee shall enjoy rights and discharge liabilities stipulated by the present Law.

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<sup>1</sup> \*Translation from the state language of Turkmenistan.

3. A refugee shall not be returned to the country which he left against his will except cases related to protection of interests of state security or public order of Turkmenistan.

4. Decisions and actions of public authorities, local administration and officials derogatory to the rights of a refugee enshrined in the legislature of Turkmenistan, can be appealed in the superior agencies or in a court.

## **CHAPTER II. ACQUISITION, LOSS AND DEPRIVATION OF THE STATUS OF REFUGEE**

### **Article 4. Lodging a Petition**

1. In order to receive the status of refugee, a person shall apply with a petition to the authorities of the State Migration Service of Turkmenistan (hereinafter referred to as authorities of Migration Service).

2. Petition on granting the status of refugee shall be registered by authorities of Migration Service starting with the day of its filing, with the issuance of a temporary certificate about registration of such petition.

The form of the temporary certificate about registration of petition on granting the status of refugee shall be approved by the State Migration Service of Turkmenistan.

3. A person, who had to cross the border of Turkmenistan illegally with the intention to acquire the status of refugee, shall file petition on granting the status of refugee to the authorities of Migration Service through a respective body of the State Border Service of Turkmenistan. Management of the Border Service shall without delay direct the petition to authorities of Migration Service. In case of extraordinary mass arrival, persons shall be accommodated in the order specified by the legislature of Turkmenistan, in the points of temporary reception, where they shall be registered by the authorities of Migration Service and shall be provided with a document confirming the registration.

4. Officials of the Border Service shall provide asylum seekers with information on order and conditions of granting refugee status.

### **Article 5. Rights and responsibilities of a person whose petition on granting the status of refugee has been registered**

1. After the registration of a petition on granting the status of refugee, a person who lodged a petition and members of his family during the period of taking a decision on a petition, shall have the right for:

1) free of charge use of interpreter's services regarding issues of granting the status of refugee;

2) obtaining information about the order of recognizing a refugee, as well as other information in accordance with the present Article;

3) obtaining a temporary certificate confirming the fact of consideration of a petition on granting the status of refugee;

4) free travel and luggage transportation to the place of temporary location;

5) to use housing provided in the point of temporary location and to receive free meals;

6) free use of medical care and social services in the point of temporary location;

7) temporary employment or training;

8) relief, in accordance with the legislature of Turkmenistan, from duties, taxes and charges related to the procedure of granting the status of refugee, personal luggage transportation;

9) free of charge use of legal assistance on the issues of granting the status of refugee.

2. A person whose petition on granting the status of refugee has been registered, and members of his family shall:

- 1) provide authorities of Migration Service considering a petition on granting the status of refugee information required for consideration of such petition;
- 2) upon receiving a referral depart for the point of temporary accommodation and within three working days to register in the Migration Service body;
- 3) observe the order of living in the point of temporary accommodation established by the legislature of Turkmenistan;
- 4) undergo medical examination upon the requirement of health authorities and comply with orders.

#### **Article 6. The order of consideration of petition on granting the status of refugee**

1. Consideration of petition on granting the status of refugee shall be carried out by the State Migration Service of Turkmenistan within three months starting with the date of lodging a petition.

2. Upon the results of consideration of petition on granting the status of refugee, the State Migration Service of Turkmenistan by agreement with the Cabinet of Ministers shall take one of the following decisions:

- 1) on granting the status of refugee;
- 2) on the refusal in granting the status of refugee.

3. The State Migration Service of Turkmenistan shall notify the applicant in writing about the results of consideration of the petition on granting the status of refugee within three working days.

4. A person who has been granted the status of refugee shall be issued a certificate of an established form within ten days. Based on application of a person who has been granted the status of refugee, he/she shall be issued a travel document.

Refugee ID and Travel documents are issued free of charge.

5. In case of refusal in granting the status of refugee, an applicant shall be notified of the motives of refusal, as well as the order and terms of appeal of a decision of refusal in granting him the status of refugee.

#### **Article 7. Conditions under which the status of refugee shall not be granted**

The status of refugee shall not be granted to a person with respect to whom there are serious reasons for considering that:

1) she/he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

2) she/he has committed a serious non-political crime outside Turkmenistan prior to his admission to Turkmenistan as a refugee;

3) she/he has been guilty of acts contrary to the purposes and principles of the United Nations.

The status of refugee shall not be granted to a person:

1) who is recognized by the competent authorities of the country in which he has taken residence as having and enjoying the rights and obligations which are attached to the possession of the nationality of that country;

2) who, prior to arrival to Turkmenistan, stayed in the State where he could obtain in the established order an asylum or the status of refugee, or was granted asylum.

#### **Article 8. The principle of family unity**

If one of the family members was granted the refugee status, in the order established by the present Law, members of his family shall also receive the status of refugee in line with the principle of family unity.

Every member of the family can lodge a petition on granting the status of refugee apart from other members of the family.

### **Article 9. Loss and deprivation of the status of refugee**

1. A person shall lose the status of refugee if he:
  - 1) has voluntarily re-availed himself of the protection of the country of his nationality; or
  - 2) having lost his nationality, he has voluntarily re-acquired it; or
  - 3) has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
  - 4) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
  - 5) can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;
  
2. A person shall be deprived of the status of refugee if he:
  - 1) acquired the status of refugee as a consequence of submitting false facts or counterfeit documents;
  - 2) participates in the acts posing a threat to the state security or public order of Turkmenistan;
  - 3) participates in the acts contrary to the purposes and principles of the United Nations.
  
3. Decision on deprivation of the status of refugee shall be brought to notice of a person who has been deprived of the status of refugee in writing within ten days with notification about reasons stipulated by the present Article and about the order for appeal.

### **Article 10. Appeal of decision on refusal in granting the status of refugee or revocation of a previous decision on granting the status of refugee**

Decision on refusal in granting the status of refugee or revocation of a previous decision on granting the status of refugee can be appealed to a court within a month starting from the date of receiving a decision.

## **CHAPTER III. THE LEGAL STATUS OF A REFUGEE**

### **Article 11. Rights of a refugee**

1. A person who has been granted the status of refugee shall enjoy the same rights and have duties as the citizens of Turkmenistan within the limits established by the regulatory legal acts of Turkmenistan.
2. A person who has been granted the status of refugee shall have the right for:
  - 1) choice of place of residence from the list of settlements;
  - 2) choice of place of residence with his relatives if they agree;
  - 3) labor activity, taking possession of property on conditions, provided by legislation of Turkmenistan on aliens and stateless persons;
  - 4) getting education;
  - 5) using cultural assets;
  - 6) free religious practices;
  - 7) receiving information with the assistance of respective bodies about relatives living in his country of refuge and left property;
  - 8) transfer of assets which he has brought with himself into the territory of Turkmenistan, as well as acquired property, to another country where he has been admitted for the purposes of resettlement;
  - 9) voluntary return to the country of his former habitual residence or moving to any third country;

10) judicial protection from offence to honour, dignity and freedom, life and health, dwelling place, as well as proprietary rights and non-property rights;

11) acquisition of nationality of Turkmenistan in the order established by the legislature of Turkmenistan.

#### **Article 12. Refugee's obligations**

A refugee shall be obliged to observe the Constitution of Turkmenistan, the present Law and other regulatory legal acts, to adhere to legal requirements of state authorities and officials, to respect national traditions of the people of Turkmenistan.

### **CHAPTER IV. FINAL CLAUSES**

#### **Article 13. Obligations of state authorities and local authorities with respect to a refugee**

State authorities and local authorities shall be obliged to:

1) provide a refugee with a list of settlements specified by the Cabinet of Ministers and recommended for living, information about living conditions and employment opportunities in these settlements;

2) provide a refugee who arrived by the referral of the Migration Service body, a temporary accommodation;

3) afford a refugee assistance when joining a housing cooperative, in individual housing construction including acquisition of a plot of land and construction materials;

4) afford a refugee assistance in employment; if necessary, to provide him with an opportunity of professional training, capacity building and retraining;

5) accommodate, as a matter of priority, single aged and disabled refugees who need continuing care, in social care institutions;

6) afford assistance in placing refugee's children in pre-school and general education establishments;

7) provide a refugee with medical care and pharmaceuticals in accordance with the legislature of Turkmenistan;

8) afford assistance to a refugee, upon his request, in returning to the country of his former habitual residence.

#### **Article 14. Relief fund for refugees**

1. The Relief Fund for Refugees shall be established for the purpose of ensuring refugees conducive material conditions and compensation of expenses related to their stay on the territory of Turkmenistan. The use of resources from the Relief Fund for Refugees shall be materialized in the order established by the legislature of Turkmenistan.

2. The Fund shall be formed with the resources received from foreign states and international organizations based on treaties and agreements concluded by Turkmenistan, voluntary donations from local and foreign enterprises, public associations, individual persons, as well as other sources specified by the President of Turkmenistan.

#### **Article 15. The source of compensation of expenses related to acceptance and creating conditions for refugees**

1. Expenses related to acceptance and creating conditions for refugees on the territory of Turkmenistan shall be reimbursed with the resources of the Relief Fund for Refugees.

2. The issues of reimbursing expenses related to acceptance and creating conditions for refugees shall be solved on the basis of agreements concluded by Turkmenistan with foreign states and international organizations.

**Article 16. Participation of foreign states and International Refugee organizations in the procedure of granting and cessation of the status of refugee**

1. International cooperation in solving the issues related to refugees Turkmenistan carries out with foreign States, the Office of the United Nations High Commissioner for Refugees and other international organizations.

2. International Refugee organizations participate in the procedure of granting and cessation of refugee status as observers with the right of full access to all personal files.

3. An observer from an international refugee organization shall have the right to participate in considering a petition on granting the status of refugee and express opinion on specific cases, as well as on the issues of observance of refugees' rights.

**Article 17. Responsibility for violation of the present Law**

Violation of the present Law shall entail responsibility in the order established by the legislature of Turkmenistan.

**Article 18. Entry of the present Law into force**

1. The present Law shall come into force starting from the date of its official publication.

2. The following Laws shall be considered as ceased to be in force:

1) the Law of Turkmenistan "On Refugees" adopted on June 12, 1997 (Turkmenistan Medjlis Bulletin, 1997, № 2, Art.18).

2) the Law of Turkmenistan "On Introducing Changes and Addenda to the Law of Turkmenistan "On Refugees" adopted on October 1, 2011 (Turkmenistan Medjlis Bulletin, 2011, № 4, Art. 83).

**President  
of Turkmenistan**

**Gurbanguly  
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August 4, 2012  
№ 311-IV.*