

Bishkek  
March 25, 2002, # 44

## THE LAW OF THE KYRGYZ REPUBLIC

### On refugees

- Section I. General Provisions
- Section II. Legal status of refugees and asylum seekers
- Section III. Final provisions

The present law shall establish grounds and procedures for granting, loss and revocation of the refugee status, rights, duties and responsibilities of refugees and determine legal, economic and social guarantees for the protection of refugees' rights in the Kyrgyz Republic.

The Kyrgyz Republic shall provide all refugees with equal legal status without discrimination as to race, gender, religion or country of origin.

### Section I General Provisions

#### Article 1. Definition of the term "refugee"

A refugee is a person, who is not a Kyrgyz citizen and is claiming to be recognized as a refugee to the (authorities of the) Kyrgyz Republic, who was forced to flee from the place of his habitual residence on the territory of the other state due to well-founded fear of persecution for reasons of race, religion, nationality, political opinion, membership in a specific social group, as well as of real danger to be persecuted in armed and inter-ethnic conflicts and who is unable, or owing to such fear, is unwilling to avail himself of the protection of his country.

#### Article 2. Main definitions of the present Law

Place of temporary allocation - this is a place of stay of person, who filed a claim to recognize him/her as a refugee, and of members of his family at the ports of entry (admission points) through the state border of the Kyrgyz Republic.

Application registration certificate (hereinafter referred to as the Certificate) is a document, certifying the identity of an asylum-seeker, and which is a ground for registration of this person and members of his family with the bodies of interior, as established by the legislation of the Kyrgyz Republic.

Refugee identity card is a document, certifying the person's identity, who was recognized as a refugee in the Kyrgyz Republic in conformity with the present Law, and which is a ground for registration of this person and members of his family with the bodies of interior, as established by the legislation of the Kyrgyz Republic.

Competent authority is a public service agency of the Kyrgyz Republic and its territorial offices implementing migration policy and coordinating refugee related activities.

Family members of a person seeking asylum in the Kyrgyz Republic or refugee family members (onwards referred to as the family members) - a spouse, their minor children and other his (her) dependents provided they live together in the territory of the Kyrgyz Republic.

Article 3. Legislative acts of the Kyrgyz Republic governing  
refugee issues

In the Kyrgyz Republic, refugee issues shall be governed by the Constitution of the Kyrgyz Republic, universally accepted principles and norms of international law, the present Law, Decrees of the President and other normative and legislative acts of the Kyrgyz Republic.

If international agreements and conventions, ratified by the Kyrgyz Republic, envisage other rules than those that are contained in the present law, than rules deriving from international obligations of the Kyrgyz Republic shall be applied.

Section II  
Legal status of refugees and asylum seekers

Article 4. Application procedures for granting refugee status  
in the Kyrgyz Republic

An asylum-seeker shall be provided with a real opportunity to submit such application.

To receive refugee status in the Kyrgyz Republic on the grounds provided in the Article 1 of the present Law an asylum-seeker, upon arrival, shall personally or through his representative duly authorized for that purpose, submit an application according to the place of his sojourn:

- at the ports of entry at the state border - to the bodies, implementing immigration control;
- in the territory of the Kyrgyz Republic - to the Competent Authority.

Application for refugee status received by the bodies implementing immigration control at the ports of entry at the state border shall be forwarded within ten working days upon receipt to the Competent Authority, which shall register the application and proceed with the refugee status determination procedure.

In the event of emergency mass influx of persons to the Kyrgyz Republic on the grounds provided in the Article 1 of the present Law, the registration of stated persons shall be undertaken immediately.

The applications for refugee status shall be received provided that an asylum-seeker and members of his family are in possession of identity papers. Asylum-seekers, who are not in possession of identity papers, shall provide documents stating the reasons for their absence or provide explanations of their absence.

The asylum-seeker shall be issued an application registration certificate following the form, established by the Government of the Kyrgyz Republic for the period of three months.

The application registration certificate shall contain the information on the family members of asylum-seeker staying with him.

The procedures for considering applications for refugee status shall be determined by the Regulation on working with refugees, to be approved by the Government of the Kyrgyz Republic.

Article 5. Grounds for denying refugee status

A person shall be denied a refugee status in the Kyrgyz Republic on the following grounds:

- if the asylum seeker has no grounds identified in the article 1 of the present law;
- if with respect to him there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime

against humanity;

- if he has committed a very serious or serious non-political crime outside the Kyrgyz Republic prior to his admission to the Kyrgyz Republic as an asylum-seeker;

- if he has been guilty of acts contrary to the principles of the United Nations;

- if he is a citizen of a third country and is able to avail himself of its protection or has a right of lawful residence in the territory of a third country without any well-founded fear of persecution in this third country on the grounds provided by article 1 of the present Law;

- if he has refugee status in another country or availed himself of the international protection anywhere else or is able to return to this country and avail himself of its protection. A person who will be denied asylum in the Kyrgyz Republic on this ground shall be protected from return to the country where he has been subject to persecution;

- if he has been earlier denied refugee status in the territory of the Kyrgyz Republic because the circumstances provided in article 1 of the present Law did not exist, on the condition that the situation in the country of his nationality or permanent residence has not changed after denial until the moment of application.

#### Article 6. Rights and obligations of an asylum-seeker

An asylum-seeker and members of his family in the Kyrgyz Republic shall have the right to:

- choose a place of residence and move freely within the whole territory of the Kyrgyz Republic with the exception of areas closed for visiting by aliens in conformity with the legislation of the Kyrgyz Republic;

- live in the place of temporary settlement and use public utilities;

- use health care services;

- receive assistance from the Kyrgyz Republic in finding information on his relatives residing in the country of nationality;

- voluntarily return to the country of his nationality;

- move to a foreign country for the purpose of residence;

- receive legal assistance in courts;

- receive education;

- avail himself of the services of translator/interpreter;

- get exemption from fees incurred at all stages of considering the application for a refugee status.

An asylum-seeker and members of his family shall be responsible for:

- complying with the legislation of the Kyrgyz Republic;

- communicating to the Competent Authority the information necessary for considering the stated application;

- complying with the established order of residence in the areas of temporary settlement;

- undergoing medical examinations by order of health care bodies;

- cooperating with the Competent Authority in establishing reliability of facts stated in the application.

#### Article 7. The procedure of granting a refugee status

A decision on granting refugee status shall be made by the Competent Authority within six months after registration of an application for refugee status.

In the event that establishment of facts necessary for rendering a

final decision has not been completed, the date of rendering decision on granting refugee status shall be postponed until clarification of such facts, however, for not longer than one year. In case of extension of the period for considering the claim the application registration certificate is prolonged accordingly, with provision of documents motivating the reason and grounds for extension of the term for rendering the decision.

From the moment the application for a refugee status in the Kyrgyz Republic is registered an asylum-seeker shall have the right to stay in the territory of the Kyrgyz Republic until a final decision is rendered, including the appeal stage.

A person, recognized as a refugee, shall be issued a refugee identity card which shall be the ground for registration of a refugee with the bodies of interior in conformity with the legislation of the Kyrgyz Republic.

A refugee identity card shall contain the information on his family members staying with him.

#### Article 8. Granting a refugee status to his family members (Principle of family unity)

In the event of granting refugee status in the Kyrgyz Republic to the head of a household on the grounds provided by article 1 of the present Law, the refugee status shall as well be applicable to his/her spouse and their minor children, as well as to the dependent family members, under condition that they live together.

Minor children, spouse and other dependents have the right for re-union with him (her) in the Kyrgyz Republic and to receive refugee status.

#### Article 9. The procedure of denying refugee status

In the event of a negative decision on the refugee status, the copy of decision shall be handed personally to a person within three days after decision has been rendered or a written notice stating the reasons for denial and prescribing the process of appealing the decision shall be forwarded to him.

A negative decision on a refugee status can be appealed in the court after the receipt of the copy of decision, as established by the Kyrgyz Republic.

A negative decision on the refugee status shall as well be forwarded to the relevant body of interior for the purpose of arranging the exit of person who was denied a refugee status from the territory of the Kyrgyz Republic. In the event of appealing the negative decision, the actions of the bodies of interior aimed at arranging the exit of such person from the territory of the Kyrgyz Republic shall be suspended until a final decision is rendered by the court.

A person, who received a notice on denying refugee status and who does not avail himself of the right to appeal the negative decision on the refugee status, as established by the legislation of the Kyrgyz Republic, shall leave the territory of the Kyrgyz Republic with his family members within one month after receipt of a notice, unless this person has other lawful grounds for his sojourn in the territory of the Kyrgyz Republic.

#### Article 10. Revocation of a refugee status in the Kyrgyz Republic

A person shall lose refugee status provided that he:  
- has acquired Kyrgyz nationality;

- has acquired nationality of a foreign country and has availed himself of the protection of the country of his new nationality;
- has voluntarily re-availed himself of the protection of the country of his nationality or the country of his former residence;
- has voluntarily moved out from the Kyrgyz Republic for permanent residence in the country of his origin;
- having lost his nationality, has voluntarily re-acquired it;
- can no longer continue to refuse to avail himself of the protection of the country of his nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

A refugee status revocation notice stating the reasons for rendering a decision on the revocation of the refugee status and prescribing the order of appealing the decision shall be handed to or forwarded to this person by the Competent Authority within three days after the decision is rendered.

A person, having lost his refugee status on the grounds, mentioned in paragraphs 3-7 of the part one of the present Article, and who does not avail himself of the right to appeal a decision on revocation of the refugee status, as established by the legislation of the Kyrgyz Republic, shall leave the territory of the Kyrgyz Republic with his family members within one month after receipt of a refugee status revocation notice, unless this person has other lawful grounds for his sojourn in the territory of the Kyrgyz Republic.

A decision on revocation of the refugee status can be appealed in the court, as established by the Law. Provided that a final decision on the revocation of the refugee status is rendered, the refugee identity card shall be revoked.

#### Article 11. Administrative expulsion from the territory of the Kyrgyz Republic

Administrative expulsion of the persons, having lost their refugee status, and persons, having received a denial of granting refugee status in the territory of the Kyrgyz Republic, from the Kyrgyz Republic shall be implemented, as established by the legislation of the Kyrgyz Republic.

A person, having received a denial of granting refugee status in the territory of the Kyrgyz Republic, or a notice on the revocation of refugee status shall not, under any circumstances, be expelled to the country, where his life or freedom would be threatened on account of his race, ethnic origin, religion, nationality, membership of a particular social group or political opinion or a country, where he might become a victim of torture or a subject to an inhuman treatment.

Measures on administrative expulsion of persons, mentioned in Part One of the present Article shall be implemented by the competent authorities of the Kyrgyz Republic in conformity with the legislation of the Kyrgyz Republic.

The financial expenses arising out of the administrative expulsion of persons, mentioned in Part One of the present Article, from the Kyrgyz Republic shall be covered as established by the legislation of the Kyrgyz Republic.

#### Article 12. Guarantees of the refugees' rights

A refugee shall not be involuntarily expelled to the country, which he fled from due to the reasons, provided by Article 1 of the present Law.

The benefit of the present provision may not be claimed by a refu-

gee for whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime.

Decisions and actions of public service and administration agencies, bodies of local governments and officials infringing upon the refugee rights, established by the legislation of the Kyrgyz Republic, can be appealed in the relevant competent state agencies or in the court.

An asylum-seeker, who coming directly from a territory of the country where his life or freedom was threatened, shall not be imposed penalties on account of their illegal entry to or presence in the territory of the Kyrgyz Republic, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

#### Article 13. Rights and responsibilities of a refugee in the Kyrgyz Republic

A person recognized as a refugee in the Kyrgyz Republic shall enjoy the same rights and bear the same responsibilities as those of aliens in the Kyrgyz Republic.

A person recognized as a refugee in the Kyrgyz Republic shall as well be accorded the rights and responsibilities of an asylum-seeker, established by article 6 of the present Law.

A person recognized as a refugee in the Kyrgyz Republic and his family members shall have the right:

- to live three months in an area of temporary settlement;
- to choose one of a number of the populated areas proposed by the Competent Authority where his relatives reside as a place of his permanent residence provided they agree to a common residence;
- to be hired to work or engage in entrepreneurship in conformity with the legislation of the Kyrgyz Republic;
- to acquire immovable property on the conditions established for aliens and stateless persons by the legislation of the Kyrgyz Republic;
- to receive assistance of the relevant public service institutions in finding information on the property left in the country of a former residence;
- to have necessary identity papers and travel documents;
- to get administrative assistance when applying to the public service institutions of the Kyrgyz Republic;
- for a compulsory registration of acts of civil status and to receive relevant documents.

A person recognized as a refugee in the Kyrgyz Republic shall comply with the legislation of the Kyrgyz Republic and respect the traditions and customs of nations in the Kyrgyz Republic.

#### Article 14. Accommodation of refugees and asylum-seekers in the territory of the Kyrgyz Republic

Accommodation of a refugee or an asylum-seeker in the Kyrgyz Republic shall be implemented in proximity to the state border, subject to the agreement between the competent public service institutions of the Kyrgyz Republic in conformity with the legislation of the Kyrgyz Republic.

#### Article 15. Acquisition of the Kyrgyz nationality by a refugee

Acquisition of the Kyrgyz nationality by a refugee shall be implemented in conformity with the legislation of the Kyrgyz Republic.

Section III  
Final provisions

Article 16. Responsibilities of officials of the public service institutions and bodies of local governments with regard to refugees

Relevant public service institutions, bodies of local governments and officials shall be responsible for:

- providing the information on the conditions of residence and employment possibilities in the populated areas suggested by the Competent Authority for a permanent residence;

- providing assistance in placing refugee children in pre-school and public education institutions;

- helping elderly and lonely and disabled refugees in need of assisted care to get beds in the institutions of social protection of population;

- facilitating, at the request of a refugee, his return to the country of his nationality or permanent residence or exit to another country, which granted him such right.

The public service institutions and bodies of local governments, and officials shall interact with public associations and other organizations when assisting persons recognized as refugees and members of their families, ensure the implementation of rights and lawful interests of public associations, dealing with refugee issues.

Article 17. Liability for violation of the present Law

The officials of the public service institutions and bodies of local governments, legal and physical persons guilty of violating the provisions of the present Law shall be liable in conformity with the legislation of the Kyrgyz Republic.

Article 18. International cooperation to protect refugees' rights

The Kyrgyz Republic undertakes to cooperate on refugee issues with the Office of the United Nations High Commissioner for Refugees and other international organizations.

The order of interaction between the Kyrgyz Republic and the international organizations on refugee issues in the Kyrgyz Republic shall be determined by the concluded international treaties and agreements.

Article 19. Effect of the present Law

The present Law shall take the effect from the day of its publication.

The Government of the Kyrgyz Republic shall bring its normative and legislative acts into consistency with the present Law.

The President of the Kyrgyz Republic

A.Akaev

Adopted by the Legislative Assembly  
of the Jogorku Kenesh of the Kyrgyz Republic

February 14, 2002