

*This is an unofficial translation.*

## **LAW OF TURKMENISTAN ON REFUGEES**

The present Law determines the procedure and the condition of the recognition of the persons as refugees, their legal status, establishes the legal, economic and social guarantees of the refugees' rights protection.

### **CHAPTER 1**

#### **GENERAL PROVISIONS**

##### **Article 1. Concept of refugee.**

A refugee is a person that due to the well-founded fear to become a victim of persecution for the reason known of race, religion, nationality, membership of definite social group or political convictions is in Turkmenistan and cannot enjoy the protection of his country or does not want to use such protection due to such fear, or, without definite nationality and staying outside the country of his habitual residence owing to such events, cannot or does not want to come back there due to such fear.

##### **Article 2. Legislation on refugees.**

The legislation on refugees is based on the Constitution of Turkmenistan, the universally recognized principals and norms of the International, Law and consists of the present Law and other normative legal acts of Turkmenistan.

If the international agreement of Turkmenistan establishes the regulations other than those contained in the present Law, in that case the regulations of the international agreement are applied.

##### **Article 3. Guarantees of a refugees' rights.**

A refugee is free from the responsibility for the illegal entry or illegal stay in the territory of Turkmenistan, if, on arriving right from the territory where his life or freedom was threatened by danger, specified in Article 1 of this Law, he himself comes immediately to the representatives of the government bodies of Turkmenistan.

A refugee cannot be returned against his will to the country he left for the reasons in Article 1 of this Law.

Decisions and actions of the government and administration bodies, the institutions of the local self-government and the officials infringing upon a refugee' rights established by the legislation of Turkmenistan may be appealed against to the higher bodies or the court.

## **CHAPTER II.**

### **GRANTING, LOSS AN DEPRIVATION OF THE STATUS OF REFUGEE**

#### **Article 4. Submitting an application**

To grant the status of refugee a person has to appeal in writing to the body authorized be the Cabinet of Ministers of Turkmenistan.

An application for granting the status of refugee is to be registered by the authorized body on a day it is submitted.

A person who was compelled to cross illegally the State border of Turkmenistan intending to obtain the status of refugee submits an application for refugee status to the authorized body through the head of the relevant border service. The head of the border service has to proceed the application received to the authorized body, without delay.

The border service should provide the applied persons with information on the procedure and terms of granting the status of refugee.

#### **Article 5. Rights and obligations of a person appealed for the refugee status**

After the registration of an application for the status of refugee a person appealed and the members of his family for the time adopting the decision on the application have the right to:

- free services of an interpreter, with regard for the issues concerning the refugee status granting;
- the reception of the temporary certificate confirming the fact of considering the application for the refugee status;
- the free transport and carriage of luggage to the temporary settlement;
- the issue of dwelling given the temporary accommodation point and the free meal;
- the medicinal aid end social-living conditions;
- the temporary employment or study;
- the release from all duties and taxes related to the procedure of granting the refugee status, the personal property carriage.

The persons indicated in the first part of this Article are obliged:

- to provide the body considering the application for the refugee status with data necessary for such application;
- on obtaining the order to leave for definite temporary settlement, within three days to register in the territorial interior body;
- to observe the established by the legislation of Turkmenistan procedure of living in the temporary settlement;
- to pass the medical examination by the request of health bodies.

#### **Article 6. Procedure of considering an application for the refugee status**

The consideration of an application for the refugee status is made by the authorized body during three months from the application submission.

According to the results of considering an application for the refugee status the authorized body adopts one of the following decisions:

- on granting the refugee status;
- on the refusal to grant the refugee status.

The results of considering the application for the refugee status are informed to the applicant in writing within seven days.

A person that is granted the status of refugee obtains the certificate and travel document of the established form within three days.

When refusing to grant the status of refugee the appealing person is informed the motives of the refusal, and also the procedure and the term of the appeal against the decision on the refusal to grant the status of refugee.

#### **Article 7. Conditions when the status of refugee is not granted**

The status of refugee is not granted to a person with the respect of whom there are serious grounds to presume that he:

- committed a crime against peace or crime against the humanity as determined in the international acts, drawn up with the aim to take measures with respect to such crimes;
- committed a grave crime of non-political nature outside Turkmenistan before this person was admitted to Turkmenistan as refugee;
- is guilty to actions contrary to the UN purposes and principles.

The status of refugee is not granted also to a person:

- at which the competent bodies of the government where he lives recognize and guarantee rights and obligations related to the nationality of this state;
- before arriving to Turkmenistan staying in the country where he could grant the refuge or the status of refugee.

### **Article 8. Principle of unity of the family**

If one of the family members received the status of refugee in order established by this Law, the family members being his dependants and arrived with him, also get the status of refugee according to the principle of unity of the family.

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

A person loses the status of refugee if:

- voluntarily used again the protection of the country of his civil nationality, or
- having been deprived of his nationality obtained it again voluntarily, or
- acquired the new nationality and enjoys the protection of the country of his new nationality, or
- voluntarily, settled again in the country he left or outside which he stayed due to the persecution fear, or
- cannot refuse any more to enjoy the protection of the country of his civil nationality, or circumstances on the basis of which he was recognized as a refugee do not exist any more.

A person is deprived of the status of refugee if:

- acquired a status of refugee due to the deliberately false information or false documents;
- participates in the activity representing for grounded reasons the danger to the state security or the public order of Turkmenistan;
- participates in the activity contrary to the UN purposes and principals.

The decision on deprivation of the status of refugee is informed to the concerned person in writing within ten days stating the grounds indicated in this Article and the procedure of the appeal against.

### **Article 10. Appeal against the decision to refuse the refugee status and to revoke the decision on granting the refugee status made before**

The decision to refuse the refugee status or to revoke the decision on granting the refugee status made before may be appealed against by the concerned person in the court within a month from such decision reception.

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

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

A person that is granted the status of refugee enjoys every right and liberty of the nationals of Turkmenistan, excluding exceptions specified in the legislation of Turkmenistan on aliens and stateless persons.

A person that is granted the status of refugee enjoys the rights to:

- the option of residence from the list of settlements;
- the option of residence of his relatives with their consent;
- the labor for hire or the entrepreneur's activity, the purchase of the property
- on conditions specified in the legislation of Turkmenistan an aliens and the persons without nationality;
- the education;
- the use of the cultural achievements;
- the free performance of religious rites;
- to get the information about relatives living in his country and property left there with the promotion of the relevant bodies;
- to export the property brought with himself to the territory of Turkmenistan, and also the earned property to another country where he granted the right to enter for settlement;
- the voluntary return to the country of his former residence or the removal to any third country;
- the judicial protection from the encroachment upon honour and dignity, life and health, personal freedom and dwelling, and also the protection of the property and non-property rights.

### **Article 12. Obligations of refugees**

A person granted the status of refugee has to observe the Constitution of Turkmenistan, the laws of Turkmenistan and other normative legal acts, and also to implement the legal requirements of the government bodies and officials.

## **CHAPTER IV.**

### **FINAL PROVISIONS**

### **Article 13. Obligations of the government and management bodies, the local government with regard for refugee**

Government and management bodies, the local government are obliged:

- to provide a refugee with a list of settlements determined by the Cabinet of Ministers of Turkmenistan and recommended for the permanent residence, and information about living conditions and possible employment in these settlements;
- to provide a refugee arrived upon order of the authorized body to the permanent residence place the temporary dwelling;
- to render assistance to a refugee when entering the housing cooperative, in the individual housing construction, including the purchase of the land plot and building materials;
- to render help to a refugee with employment with regard for the level of the employed people in the respective region, if needed, to ensure the possible professional training ( re-training) and the improvement of skill;
- to provide the first order places in the institutions of the people social protection to single refugees - aged and disabled;
- to render assistance with the arrangement of a refugee‘ children to the state or municipal pre-school and general education institutions;
- to provide a refugee with medicinal and medical aid under the legislation of Turkmenistan;
- to render assistance to a refugee, upon his request, as to return to the country of his former habitual residence.

#### **Article 14. Fund of relief**

In order to provide the favourable pecuniary conditions and compensation of expenses related to their stay in the territory of Turkmenistan, there is established the Fund of relief to refugees.

The Fund is formed at the receipts from other states and international organizations on the basis of contracts and agreements concluded by Turkmenistan, the voluntary donations from the local and foreign enterprises, public organizations, individuals, and also from other sources determined by the President of Turkmenistan.

#### **Article 15. Sources of compensation of expenses related to the reception and accommodation of refugees**

Expenses related to the reception and accommodation of refugees in the territory of Turkmenistan are compensated from the Found of relief to refugees.

Issues of compensation of expenses of Turkmenistan in connection with the reception and accommodation of refugees are solved on the basis of agreements concluded by Turkmenistan with other states and international organizations.

**Article 16. Participation of international organizations for refugee in the procedure of granting and cessation of the refugees status**

International organizations for refugees participate in the procedure of granting and cessation of the refugee status as an observer enjoying the right of full access to every personal file.

An observer of the international organization for refugees has the right to participate when considering an application for the refugee status and to express the point of view in concrete matters, as well as on the issues of the refugees' rights observance.

**President of Turkmenistan  
Saparmurat TURKMENBASHI  
Ashgabat, 12 June 1997**