

# LAW OF TURKMENISTAN

## On Refugees

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The present Law establishes the procedures and grounds for recognizing a person as a refugee in Turkmenistan, for granting of complementary and temporary protection in Turkmenistan, the legal status of persons granted refugee status, complementary and temporary protection, establishes legal, economic and social guarantees of protection of the rights of persons granted refugee status, complementary and temporary protection in Turkmenistan.

### CHAPTER I. GENERAL PROVISIONS

#### Article 1. Principal definitions.

The following principle definitions are used in this Law:

- 1) **Refugee** means a person, who owing to well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion is present in Turkmenistan, who 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) **Asylum seeker** means a foreign citizen or a stateless person, who arrived to the territory of Turkmenistan or is in the process of arrival to the territory of Turkmenistan on lawful grounds, who expresses will to be recognized as a refugee based on the grounds established in Article 10 of the present Law;
- 3) **Temporary certificate of registration of asylum claim** means a personal identification document of an asylum seeker, which confirms lawfulness of presence of this person in Turkmenistan during the period of consideration of his claim;
- 4) **Refugee status** means legal status of a person, who is recognized as a refugee in Turkmenistan, established by legislation of Turkmenistan;
- 5) **Refugee identity document** means a document of a standard form, which certifies identity of a person, who has been granted refugee status in Turkmenistan;
- 6) **Refugee travel document** means a document of a standard form, which grants a refugee the right to leave from Turkmenistan and enter to Turkmenistan, and which certifies his identity outside of Turkmenistan;
- 7) **Complementary protection** means a set of rights and duties of a person, in respect of whom decision on refusal of granting refugee status in Turkmenistan and decision on granting complementary protection in Turkmenistan have been made;

8) **Temporary certificate of registration of a claim for complementary protection** means a document of a standard form, which certifies identity of a person applying for complementary protection, and which confirms lawfulness of presence of this person in the territory of Turkmenistan during the period of consideration of his claim;

9) **Certificate of the grant of complementary protection** means a document of a standard form, which certifies identity of an individual, who has been granted complementary protection in Turkmenistan;

10) **Temporary protection** means a set of rights and duties of persons, who arrived to Turkmenistan in mass influx situations, and who are granted temporary protection in Turkmenistan;

11) **Certificate of registration of an individual granted temporary protection** means a document of a standard form, which certifies identity and confirms registration of an individual, who has been granted temporary protection in accordance with the procedure established by legislation of Turkmenistan;

12) **Place of temporary residence** means living premises provided for temporary residence in Turkmenistan of persons applying for refugee status or complementary protection, as well as of persons granted refugee status or complementary protection, and members of their families;

13) **Temporary accommodation facility** means reception stations established near the State border of Turkmenistan for temporary residence of individuals and members of their families, who have been granted temporary protection in accordance with the procedures established by legislation of Turkmenistan;

14) **Safe third country** means a country, where a person can be granted or was granted asylum or refugee status, and where he can enjoy protection by the state;

15) **Family members** means spouse, to whom a person was married prior to leaving the country of his nationality or former habitual residence, children (including adopted) under the age of eighteen years, who are not married; children incapable of working, who reached the age of eighteen years, are not married and are dependent on the person; parents incapable of working, with whom the person was living together and kept house with in the country of nationality or former habitual residence;

16) **Family reunification** means arrival to Turkmenistan of family members for joint living with a person, who was granted refugee status or complementary protection in accordance with the procedures established under the present Law;

17) **Unaccompanied minor** means a person under the age of majority, who arrived to Turkmenistan unaccompanied by legal representatives or family members, who are responsible for him, reached the age of eighteen years and voluntary undertook responsibility for maintenance of the minor family member, as well as minors, who left

without guardianship and custody under the established procedure after arrival to Turkmenistan;

18) **The list of places for temporary residence** means specified under legislation of Turkmenistan list of living premises for temporary residence of individuals and members of their families, who were granted refugee status or complementary protection in Turkmenistan.

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

1. Legislation of Turkmenistan on refugees is based on the Constitution of Turkmenistan, generally recognized rules and principles of international law, and is comprised of the present Law and other regulatory legal acts of Turkmenistan.

2. If an international treaty of Turkmenistan establishes rules other than provided for by the present Law, the rules of international law shall apply.

## **Article 3. Guarantees of the rights of persons applying for refugee status or complementary protection, persons, who have been granted refugee status, complementary or temporary protection in Turkmenistan.**

1. A person shall be exempted from liability for entry in Turkmenistan with violation of the rules of crossing the State border and for unlawful stay in the territory of Turkmenistan, if upon arrival from the territory, where his life or freedom were jeopardized, this person without delay applied to the relevant governmental agencies of Turkmenistan with a claim for refugee status or complementary protection.

2. A person, whose claim for refugee status or complementary protection is under consideration, as well as a person, who was granted refugee status, complementary or temporary protection in Turkmenistan, enjoys the rights and bears the duties provided for by the present Law.

3. A person, whose claim for refugee status or complementary protection is under consideration, as well as a person, who was granted refugee status, complementary or temporary protection in Turkmenistan, may not be returned against his will to the country, which he has left, except for the cases related to protection of the interests of state security or public order of Turkmenistan.

4. Decisions and actions of the governmental agencies, local administrations and officers, which violate the rights of persons applying for refugee status or complementary protection established by legislation of Turkmenistan, of persons granted refugee status, complementary or temporary protection in Turkmenistan established by legislation of Turkmenistan, may be appealed to a higher-level authority or court.

5. Information about individuals applying for refugee status or complementary protection, about individuals, who were granted refugee status, complementary or temporary protection, is confidential and shall not be provided without written consent of these individuals to

governmental agencies, other organizations and citizens of country of their nationality or former habitual residence, mass media.

#### **Article 4. The principle of family unity.**

1. If a family member is granted refugee status or complementary protection in accordance with the procedure established by the present Law, his family members, including children of this family, who were born in the territory of Turkmenistan, shall be granted refugee status or complementary protection in accordance with the principle of family unity to ensure reunification of family.

2. Every adult member of a family may submit a claim for refugee status or complementary protection individually from other family members.

#### **Article 5. Recognition of a person as a refugee in Turkmenistan.**

1. Recognition of a person as a refugee in Turkmenistan shall be carried out in accordance with the procedures established under the present Law.

2. Recognition of a person as a refugee in Turkmenistan envisages the following:

1) Application with a claim for refugee status;

2) Provision of a temporary certificate of registration of a claim for refugee status;

3) Registration of claimant upon issuance of a temporary certificate of registration of a claim for refugee status;

4) Consideration of a claim for refugee status;

5) Adoption of decision on granting refugee status or on refusal to grant refugee status based on the results of the consideration of a claim for refugee status, and notification of claimant;

6) Issuance of a refugee identity document.

#### **Article 6. The scope of operation of the present Law.**

Provisions of the present Law shall not apply to a person, in respect of whom there are serious reasons for considering that:

1) 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 provisions in respect of such crimes;

2) He has committed a serious non-political crime outside Turkmenistan prior to his admission to Turkmenistan;

- 3) He has been guilty of acts contrary to the purposes and principles of the United Nations;
- 4) His rights and duties linked to citizenship of a particular state are recognized and guaranteed by the authorized agencies of this state;
- 5) He enjoys protection of and (or) assistance from other agencies and offices of the United Nations, except for the Office of the United Nations High Commissioner for Refugees.

## **CHAPTER II. GRANTING OF REFUGEE STATUS, COMPLEMENTARY AND TEMPORARY PROTECTION, LOSS AND CANCELLATION OF REFUGEE STATUS AND COMPLEMENTARY PROTECTION**

### **Article 7. Submission of a claim for refugee status or complementary protection.**

1. To receive refugee status or complementary protection a person must apply in person or through his authorized representative with a written claim for refugee status or complementary protection to the following governmental agencies:

- 1) In case of arrival to Turkmenistan State border crossing point - to the agencies of the State Migration Service (hereinafter, agencies of the Migration Service);
- 2) In case of lawful stay in Turkmenistan - to the agencies of the Migration Service according to the place of residence;
- 3) In case of forced displacement in breach of the rules for crossing the State Border of Turkmenistan - to respective organizational units of the State Border Service of Turkmenistan.

In case of forced displacement in breach of the rules for crossing the State Border of Turkmenistan, upon determination of the intentions of a person to receive refugee status or complementary protection, this person and his claim shall be immediately referred by representatives of respective organizational units of the State Border Service for consideration to the nearest agency of the Migration Service. Officers of the State Border Service shall provide an applicant with information about the grounds and procedures of granting refugee status or complementary protection.

2. As of the day of submission of a claim for refugee status or complementary protection the agencies of the Migration Service shall issue a temporary certificate of a standard form on registration of a claim, and based on such certificate shall register an applicant according to the place of his temporary residence under the procedures established by legislation of Turkmenistan.

3. Lack of personal identification documents shall not constitute a ground for refusal to register a claim for refugee status or complementary protection and to issue a temporary certificate concerning it.

4. The procedure of registration and issuance of a temporary certificate of registration of a claim for refugee status or complementary protection, as well as the forms of these documents shall be approved by the State Migration Service.

5. Agencies of the Migration Service shall immediately take measures on referring unaccompanied minors willing to claim refugee status or complementary protection to the child protection services according to the place of stay of these minors. Child protection services within three working days shall apply to the agencies of the Migration Service on behalf of unaccompanied minors with a claim for refugee status or complementary protection and shall take other necessary measures on protection of the rights and legitimate interests of these persons.

Unaccompanied minors shall acquire rights envisioned under Articles 8, 15, 16, 17 of the present Law.

**Article 8. Rights and duties of a person, whose claim for refugee status or complementary protection is registered.**

1. Upon registration of a claim for refugee status or complementary protection during the period of adoption of decision on the claim an applicant and his family members shall have the following rights:

1) To uncompensated use of translation / interpretation services concerning the matters of refugee status or complementary protection;

2) To receive information on the procedures of recognition as a refugee, grant of complementary protection, their rights and duties, and other information in accordance with this Article;

3) To obtain temporary certificate of registration of a claim for refugee status or temporary protection, and to be referred to the agencies of the Migration Service for accommodation according to the place of temporary residence;

4) To be accompanied to the place of temporary residence by the representatives of the authorized governmental agencies, and if needed - to be protect according to the place of temporary residence for safety reasons;

5) To uncompensated travel and luggage transportation to the place of temporary residence;

6) To uncompensated use of living premises provided in the place of temporary residence, and to free meals;

7) To uncompensated use of medical care and social welfare services;

8) To job placement according to the place of temporary residence;

9) To receive preschool and general secondary education on an equal basis with nationals of Turkmenistan;

10) To family reunification;

11) To exemption from duties, taxes and fees related to the procedure of granting refugee status or complementary protection, transportation of personal property according to legislation of Turkmenistan;

12) To uncompensated legal aid concerning the matters of granting refugee status or complementary protection;

13) To judicial protection on an equal basis with foreign citizens residing in Turkmenistan;

14) To file a request for dismissal of consideration of the claim for refugee status or complementary protection;

15) To voluntary repatriation to the country of nationality or former habitual residence;

16) To leave for permanent residence to another state;

17) To enjoy other rights on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

2. Upon registration of a claim for refugee status or complementary protection during the period of adoption of decision on the claim an applicant and his family members shall bear the following duties:

1) Abide by the Constitution of Turkmenistan, the present Law and other regulatory legal acts of Turkmenistan, to fulfill legitimate demands of the governmental agencies and officers, to respect national traditions, historical, cultural and natural heritage of the people of Turkmenistan;

2) To provide to an agency of the Migration Service, which considers the claim for refugee status or complementary protection, information required for consideration of such a claim;

3) Upon receipt of a referral for departure to the place of temporary residence and within three working days to register with an agency of the Migration Service;

4) To observe the rules of housing in the places of temporary residence established under legislation of Turkmenistan;

5) To undergo medical checkup upon request by the health authorities and to comply with their orders;

6) To notify the agencies of the Migration Service about the intention to leave for permanent residence outside Turkmenistan;

7) To fulfill other duties on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

**Article 9. The procedure of consideration of a claim for refugee status or complementary protection.**

1. Consideration of a claim for refugee status or complementary protection shall be carried out by the State Migration Service of Turkmenistan within three months as from the date of submission of the claim.

Whenever necessary the period of consideration of a claim for refugee status or complementary protection shall be extended up to one year.

State Migration Service shall cooperate with relevant governmental agencies concerning the matters of consideration of a claim for refugee status and complementary protection.

2. The procedure of consideration of a claim for refugee status or complementary protection, granting of refugee status or complementary protection, loss or cancellation of such, as well as granting of temporary protection shall be defined by the Cabinet of Ministers of Turkmenistan.

3. The State Migration Service shall recognize a claim for refugee status or complementary protection as unfounded and shall adopt a decision on dismissal of consideration of such claim, if:

1) There is a criminal investigation initiated against this person on the grounds of commitment of a crime in the territory of Turkmenistan;

2) A person's claim for refugee status or complementary protection was previously rejected due to absence of the circumstances envisioned by legislation of Turkmenistan, provided that the situation in the country of his nationality or former habitual residence has not changed within the period as from the date of rejection of the claim until the date of submission of the new claim;

3) A person has citizenship of a safe third country, whose protection he can enjoy, or the right to reside in a safe third country on lawful grounds, provided that he does not have well-founded fears of persecution in such safe third country in accordance with the circumstances specified in Article 10 of the present Law;

4) Before arrival to Turkmenistan a person was in the territory of a safe third country and could obtain asylum or could register refugee status under the established procedure, or has been granted asylum;

5) A person has left the country of his nationality or former habitual residence due to the circumstances, which are not envisioned under Article 10 of the present Law, and is not willing to return to the country of his nationality or former habitual residence due to fear of prosecution in accordance with legislation of this state for illegal exit outside the territory of or for a crime committed in the territory of this state;

- 6) A person poses threat to national security and public order of Turkmenistan or previously was expelled outside Turkmenistan based on such circumstances;
- 7) A person is married to a citizen of Turkmenistan and in according to legislation of Turkmenistan has opportunity to obtain a residence permit in the territory of Turkmenistan;
- 8) A person has residence permit in Turkmenistan;
- 9) A person has left Turkmenistan during the period of consideration of his claim;
- 10) A person filed a request for dismissal of consideration of his claim;
- 11) A person has died.

Consideration of a claim for refugee status or complementary protection shall be dismissed also, if:

- 1) A person refuses to fulfill requirements on presenting biometric data in accordance with legislation of Turkmenistan;
- 2) A person has not attended the agencies of the Migration Service for registration according to the place of temporary residence within the established period due to unfounded reasons;
- 3) A person refuses to undergo mandatory medical examination;
- 4) During the period of consideration of a claim for refugee status or complementary protection a person deliberately presents to the relevant authorized governmental agencies inconsistent, contradictory, inaccurate, false information or forged documents concerning his identity, country of nationality of former habitual residence, circumstances of entry in Turkmenistan, circumstances serving as grounds for his leave from the country of nationality of former habitual residence, or a person does not respond to or evades questions;
- 5) It has been established that a person destructed personal identification documents, and (or) used forged documents;
- 6) A person filed a claim for refugee status or complementary protection in order to escape administrative expulsion for an administrative offense committed in the territory of Turkmenistan.

Decision on dismissal of consideration of a claim for refugee status or complementary protection shall not be adopted, if a person presents evidences of circumstances, which prevented his timely appearance or provision of biometric data to the migration agencies, undergoing of mandatory medical examination under established procedure.

4. Upon the results of the consideration of a claim for refugee status or complementary protection, subject to approval by the Cabinet of Ministers of Turkmenistan, the State Migration Service shall adopt one of the following decisions:

- 1) On granting refugee status;
  - 2) On refusal to grant refugee status;
  - 3) On granting complementary protection;
  - 4) On refusal to grant complementary protection.
5. A person may be rejected refugee status or complementary protection:
- 1) If the grounds for granting refugee status or complementary protection are missing;
  - 2) If a claim for refugee status or complementary protection was recognized as unfounded, and in other cases specified in Part 3 of this Article;
  - 3) In cases specified in Article 6 of the present Law.
6. The State Migration Service of Turkmenistan notifies an applicant in written about the results of the consideration of a claim for refugee status or complementary protection within ten working days.

7. A person, who was granted refugee status or complementary protection, shall be issued with a certificate of an established form within ten working days. Based on a request of a person, who was granted refugee status, he shall be issued with travel documents.

Registration of a refugee identity document and a refugee travel document, certificate of the grant of complementary protection shall be carried out by the State Migration Service of Turkmenistan within the established period, on uncompensated basis. The procedure of registration and issuance, replacement and extension of the periods, withdrawal of a refugee identity document and a refugee travel document, certificate of the grant of complementary protection, as well as the form of certificate of the grant of complementary protection shall be defined by the State Migration Service of Turkmenistan.

8. Registration and extension of the period of registration according to the place of residence of a person, who was granted refugee status or complementary protection, shall be carried out in the agencies of the Migration Service based on a refugee identity document or a certificate of the grant of complementary protection.

9. The procedure of registration, extension of the periods of registration and maintenance of the records of persons claiming refugee status or complementary protection, persons granted refugee status, complementary or temporary protection, shall be defined by the State Migration Service of Turkmenistan.

10. Upon rejection of a refugee status or complementary protection, an applicant shall be explained the reasons of the rejection, as well as the procedures and the period for appeal of the decision on rejection of refugee status or complementary protection.

## **Article 10. Granting refugee status.**

Refugee status shall be granted to a person, who owing to well-founded fear of being persecuted in the country of his nationality for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion is present in Turkmenistan, who 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.

Refugee status shall be granted to a person for a period of preservation of the grounds, based on which refugee status was granted to him, in the country of his nationality or former habitual residence.

## **Article 11. Granting complementary protection.**

1. Complementary protection may be granted to a person in case if:

1) A decision on refusal to grant refugee status was adopted due to the absence of the grounds for recognition of a person as a refugee in Turkmenistan, specified under the present Law, but in the light of humanitarian considerations a person may not be expelled outside Turkmenistan;

2) Despite the absence of the grounds for recognition of a person as a refugee in Turkmenistan, specified under the present Law, a person claims for complementary protection.

2. The procedure of filing a claim for complementary protection and the consideration of such claim shall be carried out in accordance with Articles 7 and 9 of the present Law.

3. Complementary protection shall be granted to a person for the period of up to one year. In case of preservation of the grounds, based on which a person was granted complementary protection, in the country of his nationality or former habitual residence, the period of complementary protection may be extended for up to one year. Based on a person's request for extension of the period of complementary protection, upon conduction of the relevant verifications the State Migration Service of Turkmenistan shall make a decision on extension of the period of complementary protection or on refusal of extension of such.

4. A person requesting for extension of the period of complementary protection may be rejected in case if:

1) The grounds for granting complementary protection no longer exist;

2) A person presented deliberately false information, which can affect the adoption of decision on extension of the period of complementary protection;

3) The grounds specified under Article 6 of the present Law have been established;

4) A person has acquired citizenship of a safe third country, protection of which he can enjoy;

5) A person has left Turkmenistan during the period of consideration of the matter of extension of the period of complementary protection;

6) A person has been convicted for commitment of a serious or particularly serious crime in the territory of Turkmenistan during the period of consideration of the matter of extension of the period of complementary protection.

## **Article 12. Granting temporary protection.**

1. In case of a situation of mass influx into Turkmenistan and inability to consider claims for refugee status or complementary protection on individual basis, in order to resolve the matter concerning the stay in Turkmenistan, individuals shall be granted temporary protection.

2. Decision on granting temporary protection, on extension of such or on refusal to extend it shall be made by the Cabinet of Ministers of Turkmenistan based on suggestions of the relevant authorized governmental agencies.

3. Individuals, who have arrived to Turkmenistan in a situation of mass influx, shall be accommodated in temporary accommodation facilities established near the State Border of Turkmenistan, in which the agencies of the Migration Service carry out registration of these individuals for the period of up to three months and provide them with certificates of registration of an individual granted with temporary protection.

The procedure of registration and issuance of certificate of an individual granted temporary protection, its extension, withdrawal, and the form of such certificate shall be approved by the State Migration Service of Turkmenistan.

Upon the grounds specified under Article 10 of the present Law, during their stay in Turkmenistan individuals shall be entitled to file a claim for refugee status or complementary protection, to return to the country of their nationality or former habitual residence or to leave to a safe third country provided there are no grounds specified under Article 10 of the present Law.

4. In case if upon expiration of the period of temporary protection a person granted temporary protection cannot return to the country of his nationality or former habitual residence or cannot leave to a safe third country, the consideration of his claim for refugee status or complementary protection shall be carried out in accordance with the procedure established under Article 9 of the present Law.

5. Reception of individuals arrived to Turkmenistan in a mass influx situation and provision of aid to such shall be carried out in accordance with the present Law and other regulatory legal acts of Turkmenistan concerning emergency situations, which define the powers, duties and mechanisms of cooperation of the governmental agencies, local administrations and the system of measures of preparedness for reception of these individuals.

6. The system of measures of preparedness for reception of individuals arrived to Turkmenistan in a situation of mass influx envisages the following:

- 1) Deployment of field border temporary reception centers based on prefabricated constructions;
- 2) Organization of registration and maintenance of the records of arrived individuals through mobile migration stations;
- 3) Organization of transportation services to temporary accommodation facilities for the individuals;
- 4) Organization of medical care and medicament aid in temporary accommodation facilities, and of sanitary and epidemiological services;
- 5) Organization of catering services and provision of clothing;
- 6) Organization of translation / interpretation services;
- 7) Other necessary measures.

7. Temporary protection to persons, who arrived to Turkmenistan in a mass influx situation, may be provided for a period of up to three months, and, if necessary, the period of their stay in Turkmenistan may be extended for up to one year.

8. Extension of the period of temporary protection may be rejected, if:

- 1) The grounds for granting temporary protection no longer exist;
- 2) A person presented deliberately false information, which can affect the adoption of decision on extension of the period of temporary protection;
- 3) The grounds specified under Article 6 of the present Law have been established;
- 4) A person has acquired citizenship of a safe third country, protection of which he can enjoy;
- 5) A person has left Turkmenistan during the period of consideration of the matter of extension of the period of temporary protection;
- 6) A person has been convicted for commitment of a serious or particularly serious crime in the territory of Turkmenistan during the period of consideration of the matter of extension of the period of temporary protection.

**Article 13. Loss of cancellation of refugee status or complementary protection.**

1. A person shall lose refugee status or complementary protection, if he:

- 1) Has voluntarily availed of protection of the country of his nationality again;
- 2) Upon losing his citizenship, has voluntarily acquired it again;
- 3) Has acquired new citizenship and enjoys protection of the country of his new nationality;
- 4) Has voluntarily settled again in a country, which he has left or outside of which he was staying as a result of fear of persecution;
- 5) Can no longer refuse to enjoy protection of the country of his nationality, or the grounds based on which he was recognized as a refugee no longer exist;
- 6) While not having nationality of a particular state, can return to the country of his former habitual residence, or the grounds based on which he was recognized as a refugee no longer exist;
- 7) Has voluntarily renounced refugee status or complementary protection;
- 8) Has acquired citizenship of Turkmenistan.

2. Except for the cases specified in Part 1 of this Article, a person shall lose complementary protection, if:

- 1) He has been granted refugee status;
- 2) Has settled again in the country, which he has left or outside of which he was staying based on the grounds envisaged for provision of complementary protection;
- 3) The grounds, based on which complementary protection was granted, no longer exist.

3. Refugee status or complementary protection of a person shall be cancelled, if he:

- 1) Has obtained refugee status or complementary protection as a result of providing deliberately false information or forged documents;
- 2) Takes part in the activities posing a threat to state security or public order of Turkmenistan;
- 3) Takes part in the activities contrary to the purposes and principles of the United Nations, and in other cases specified under Article 6 of the present Law.

4. Decision on the loss or cancellation of refugee status or complementary protection in Turkmenistan shall be adopted by the State Migration Service upon agreement with the Cabinet of Ministers of Turkmenistan.

5. Decision on the loss or cancellation of refugee status or complementary protection shall be communicated in written to a person, whose refugee status or complementary protection

has been withdrawn, within ten days with indication of the grounds provided for by this Article and the appeal procedure.

**Article 14. Appeal of decisions on refusal to grant refugee status or complementary protection, and appeal of revocation of a previously adopted decision on granting refugee status or complementary protection.**

1. Decision on refusal to grant refugee status or complementary protection or on revocation of a previously adopted decision on granting refugee status or complementary protection can be appealed to a court within the period of one month as from the date of service of respective notification about the decision.
2. Prior to adoption of a court ruling a person, who has exercised the right to appeal of the adopted decision, shall stay in Turkmenistan and shall enjoy the rights and bear duties envisioned under Articles 8, 15, 16 of the present Law.
3. A person must leave Turkmenistan within ten working days as from the date of service of notification about entry into legal force of the court ruling on dismissal of a complaint against adopted decision.
4. In case of impossibility to return or expel individuals, consideration of whose claims for refugee status or complementary protection has been dismissed, who has been refused granting refugee status or complementary protection, who has been refused extension of the period of complementary protection, who has lost refugee status or complementary protection, whose refugee status or complementary protection has been canceled, shall be entitled to obtain permission for temporary residence in Turkmenistan under the procedure established by the legislative acts of Turkmenistan.

**CHAPTER III. LEGAL STATUS OF INDIVIDUALS GRANTED REFUGEE STATUS, COMPLEMENTARY OR TEMPORARY PROTECTION**

**Article 15. Rights and duties of a person granted refugee status.**

1. A person, who is granted refugee status, shall enjoy the rights and bear the duties to the extent established under the regulatory legal acts of Turkmenistan.
2. A person, who is granted refugee status, shall have the following rights:
  - 1) To receive information about his rights and duties, and other information in accordance with this Article;
  - 2) To choose place of residence from the suggested list of settlements;
  - 3) To choose place of residence at his relatives, subject to their consent;
  - 4) To employment, purchase of ownership of property, use of medical care and social welfare services under the terms established by legislation of Turkmenistan concerning foreign citizens and stateless persons residing in Turkmenistan;

- 5) To family reunification;
- 6) To receive preschool and general secondary education on an equal basis with nationals of Turkmenistan;
- 7) To use cultural assets;
- 8) To freely exercise religious practices;
- 9) To receive information about relatives residing in his country and about the assets left there, with the assistance from the relevant agencies;
- 10) To carriage of assets brought by him in the territory of Turkmenistan, and of acquired property to another country, where he was granted the right of entry for residence;
- 11) To voluntary repatriation to the country of his former habitual residence or to resettlement to any third country;
- 12) To judicial protection;
- 13) To acquire citizenship of Turkmenistan under the procedure established by legislation of Turkmenistan;
- 14) To enjoy other rights on an equal basis with foreign citizens residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

3. A person, who is granted refugee status, must:

- 1) Abide by the Constitution of Turkmenistan, the present Law and other regulatory legal acts of Turkmenistan, to fulfill legitimate demands of the governmental agencies and officers, to respect national traditions, historical, cultural and natural heritage of the people of Turkmenistan;
- 2) Register with the agencies of the Migration Service according to the place of temporary residence within three days as from the date of the grant of refugee status;
- 3) Notify the agencies of the Migration Service about the intention to leave for permanent residence outside Turkmenistan;
- 4) To bear other duties on an equal basis with foreign citizens residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

#### **Article 16. Rights and duties of a person granted complementary protection.**

1. A person, who is granted complementary protection, shall have the following rights:

- 1) To receive information about his rights and duties, including the right to submit a request for extension of the period of complementary protection;
- 2) To receive certificate of the grant of complementary protection;
- 3) To reside in the places of temporary residence until a certain period based on a referral by the agencies of the Migration Service;
- 4) To use medical care and the right to employment on an equal basis with foreign citizens residing in Turkmenistan;
- 5) To receive preschool and general secondary education on an equal basis with nationals of Turkmenistan;
- 6) To repeated application to the agencies of the Migration Service upon emergence of the grounds for the grant of refugee status;
- 7) To voluntary repatriation to the country of his nationality or former habitual residence;
- 8) To leave for permanent residence to another state;
- 9) To family reunification;
- 10) To judicial protection on an equal basis with foreign citizens residing in Turkmenistan;
- 14) To enjoy other rights on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

2. A person, who is granted complementary protection, must:

- 1) Abide by the Constitution of Turkmenistan, the present Law and other regulatory legal acts of Turkmenistan, to fulfill legitimate demands of the governmental agencies and officers, to respect national traditions, historical, cultural and natural heritage of the people of Turkmenistan;
- 2) Register with the agencies of the Migration Service according to the place of temporary residence within three days as from the date of the grant of complementary protection;
- 3) Notify the agencies of the Migration Service about the intention to leave for permanent residence outside Turkmenistan;
- 4) Bear other duties on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

#### **Article 17. Rights and duties of a person granted temporary protection.**

1. A person, who is granted temporary protection, shall have the following rights:

- 1) To receive information about his rights and duties;
- 2) To receive a certificate of registration of a person granted temporary protection;
- 3) To reside in temporary accommodation facilities until a certain period based on the referral by the agencies of the Migration Service;
- 4) To uncompensated use of medical care and social welfare services;
- 5) To employment on an equal basis with foreign citizens residing in Turkmenistan;
- 6) To receive preschool and general secondary education on an equal basis with nationals of Turkmenistan;
- 7) To apply to the agencies of the Migration Service with a claim upon emergence of the grounds for the grant of refugee status;
- 8) To voluntary repatriation to the country of his nationality or former habitual residence;
- 9) To leave for permanent residence to another state;
- 10) To family reunification;
- 11) To judicial protection on an equal basis with foreign citizens residing in Turkmenistan;
- 12) To enjoy other rights on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

2. A person, who is granted temporary protection, must:

- 1) Abide by the Constitution of Turkmenistan, the present Law and other regulatory legal acts of Turkmenistan, to fulfill legitimate demands of the governmental agencies and officers, to respect national traditions, historical, cultural and natural heritage of the people of Turkmenistan;
- 2) Register with the agencies of the Migration Service according to the place of temporary residence within three days as from the date of the grant of temporary protection;
- 3) Notify the agencies of the Migration Service about the intention to leave for permanent residence outside Turkmenistan;
- 4) Undergo mandatory medical examination;
- 5) Bear other duties on an equal basis with foreign citizens temporary residing in Turkmenistan, unless otherwise provided for by legislation of Turkmenistan.

#### **CHAPTER IV. POWERS OF THE GOVERNMENTAL AGENCIES OF TURKMENISTAN CONCERNING THE MATTERS OF REFUGEES.**

**Article 18. Powers of the governmental agencies of Turkmenistan concerning the matters of refugees.**

1. The Cabinet of Ministers of Turkmenistan:

- 1) Ensures implementation of unified state policy concerning the matters of refugees;
- 2) Approves the Regulation on the Procedures of Granting Refugee Status, Complementary and Temporary Protection in Turkmenistan;
- 3) Approves the list of places for temporary residence of individuals granted refugee status and complementary protection;
- 4) Approves the form and description of a refugee identity document and a refugee travel document;
- 5) Considers presented documents on the grant or refusal to grant refugee status and complementary protection;
- 6) Adopts decisions on the matters of granting and extending the periods of temporary protection;
- 7) Performs other duties established under legislation of Turkmenistan.

2. The State Migration Service of Turkmenistan:

- 1) Cooperates with relevant governmental agencies concerning the matters of refugees;
- 2) Accepts and registers claims for refugee status or complementary protection;
- 3) Registers and maintains the records of individuals claiming refugee status or complementary protection, and individuals granted refugee status or complementary protection;
- 4) Refers individuals claiming refugee status or complementary protection, and individuals granted refugee status, complementary or temporary protection to the places of temporary residence and temporary accommodation facilities based on the referrals;
- 5) Registers and issues temporary certificate of registration of a claim for refugee status or complementary protection, temporary certificate of registration of a person granted temporary protection, certificate of the grant of complementary protection, refugee identity document and refugee travel document;
- 6) In accordance with the established procedure adopts decisions on the extension of the period of consideration or on dismissal of a claim for refugee status or complementary protection, on the grant, loss and deprivation of refugee status or complementary protection;

7) Assists in reunification of families of individuals granted refugee status or complementary protection;

8) Takes appropriate measures on referring unaccompanied minors, who have intention to claim refugee status or complementary protection, to the child protection agencies according to the place of residence;

9) Assists in voluntary repatriation of individuals, who are granted refugee status, complementary or temporary protection, to the countries of their nationality or former habitual residence, or in resettlement to safe third countries, which agree to receive these individuals;

10) Performs other duties established under legislation of Turkmenistan.

### 3. The State Border Service of Turkmenistan:

1) Performs inspection and determines intentions of individuals in cases of their forced displacement in breach of the rules of crossing of the State Border of Turkmenistan;

2) Accepts a claim for refugee status or complementary protection from a person in case of forced displacement in breach of the rules of crossing of the State Border of Turkmenistan and refers the claim and person to the agencies of the Migration Service for registration and consideration in accordance with the established procedure;

3) Upon request from the State Migration Service of Turkmenistan conducts relevant verifications and presents information based on the results of such within the established periods;

4) Performs other duties established under legislation of Turkmenistan.

### 4. The agencies of Internal Affairs of Turkmenistan:

1) Check for existence of the grounds specified under Items 1-3 of Article 6 of the Present Law within the scope of their powers;

2) Conduct relevant verifications and present information based on the results of such within the established periods upon request from the State Migration Service of Turkmenistan;

3) Submit proposals to the State Migration Service of Turkmenistan concerning the loss, cancellation of refugee status or complementary protection;

4) Ensure public security in the places of residence of individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary and temporary protection;

5) Performs other duties established under legislation of Turkmenistan.

### 5. The agencies of National Security of Turkmenistan:

1) Check for existence of the grounds specified under Items 1-3 of Article 6 of the Present Law within the scope of their powers;

2) Conduct relevant verifications and present information based on the results of such within the established periods upon request from the State Migration Service of Turkmenistan;

3) Submit proposals to the State Migration Service of Turkmenistan concerning the loss, cancellation of refugee status or complementary protection;

4) Perform other duties established under legislation of Turkmenistan.

6. The Ministry of Foreign Affairs of Turkmenistan, diplomatic missions and consular departments of Turkmenistan in foreign states:

1) Upon request from the State Migration Service of Turkmenistan provides information on political, social and economic, sanitary and epidemiological situation in the country of nationality or former habitual residence of individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary or temporary protection in Turkmenistan;

2) Upon request from individuals claiming refugee status or complementary protection, from individuals granted refugee status, complementary or temporary protection in Turkmenistan, assists in voluntary repatriation to the countries of nationality or former habitual residence of these individuals or their resettlement to safe third countries, which agree to receive these individuals;

3) Assists in family reunification and gaining of information about parents (legal representatives) of unaccompanied minors through diplomatic missions or consular departments of Turkmenistan in foreign states;

4) Within the scope of its powers assists other authorized governmental agencies in execution of the present Law;

5) Performs other duties established under legislation of Turkmenistan.

7. Healthcare agencies of Turkmenistan:

1) Ensure undergoing of mandatory medical examination and provision of uncompensated emergency medical aid in the agencies of the Healthcare according to the place of residence and in temporary accommodation facilities for individuals claiming refugee status or complementary protection, individuals granted temporary protection;

2) Provide medical aid and medicaments under the procedure established by legislation of Turkmenistan according to the place of temporary residence of and temporary accommodation facilities for individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary or temporary protection under

the procedure established by legislation of Turkmenistan on equal basis with foreign citizens residing in Turkmenistan;

3) Provide medical services to minors according to the place of their temporary residence or temporary accommodation facilities on equal basis with nationals of Turkmenistan;

4) Perform other duties established under legislation of Turkmenistan.

8. Education agencies of Turkmenistan:

1) Ensure access of minors claiming refugee status, granted refugee status, complementary or temporary protection, according to the place of their temporary residence or temporary accommodation facilities, to education in the facilities of preschool and general secondary education on equal basis with nationals of Turkmenistan;

2) Take measures on protection of the rights and interests of unaccompanied minors claiming refugee status or complementary protection, unaccompanied minors granted refugee status or complementary or temporary protection;

3) Performs other duties established under legislation of Turkmenistan.

9. The Ministry of Labour and Social Protection of the Population:

1) Provides employment assistance and ensures equal to that of nationals of Turkmenistan rights in the sphere of employment of individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary and temporary protection;

2) Establishes conditions for vocational training, professional development and professional retraining for individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary and temporary protection;

3) Accommodates in the agencies of social welfare of the population elderly and disabled individuals claiming refugee status or complementary protection, elderly and disabled individuals granted refugee status, complementary or temporary protection;

4) Performs other duties established under legislation of Turkmenistan.

10. Local agencies of state power, local administration agencies:

1) Provide to individuals granted refugee status or complementary protection the list of settlements defined by the Cabinet of Ministers of Turkmenistan and recommended for residence, provide information about the terms of residence and employment opportunities in these settlements;

2) Provide temporary living premises to individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary and temporary protection, who have arrived to the places of accommodation based on referrals by the Migration Service agencies;

- 3) Assist individuals granted refugee status in joining housing cooperative, in individual housing projects, including purchase of a land plot and construction materials;
- 4) Establishes custody and guardianship over unaccompanied minors claiming refugee status or complementary protection, unaccompanied minors granted refugee status, complementary and temporary protection, provide them with various types of educational work;
- 5) Ensure participation of legal representatives in establishment of identity of minors;
- 6) Assist individuals granted refugee status or complementary protection in integration into the society;
- 7) Ensure establishment of places for temporary residence and temporary accommodation facilities in accordance with the established procedure upon coordination with military and legal enforcement agencies;
- 8) Make provisions for forming in border settlements of voluntary groups of translators / interpreters in reserve;
- 9) Perform other duties established under legislation of Turkmenistan.

## **CHAPTER V. CONCLUDING PROVISIONS**

### **Article 19. Relief Fund for individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary and temporary protection.**

1. For the purpose of ensuring to refugees favorable material conditions and reimbursement of expenses related to their stay in the territory of Turkmenistan, the Relief Fund for individuals claiming refugee status or complementary protection, individuals granted refugee status, complementary or temporary protection shall be established.
2. The Fund shall be formed of the sources received from foreign states and international organizations based on treaties and agreements concluded by Turkmenistan, voluntary donations of domestic and foreign enterprises, organizations, public associations, private individuals, and from other sources established by the President of Turkmenistan.
3. Use of sources from the Refugee Relief Fund shall be carried out in accordance with the procedure established under legislation of Turkmenistan.

### **Article 20. Participation of foreign states and international organizations on the matters of refugees in the procedure of granting and termination of refugee status.**

1. In resolving the matters concerning refugees Turkmenistan performs international cooperation with foreign states, Office of the United Nations High Commissioner for Refugees and other international organizations.

2. International organizations on the matters of refugees take part in the procedure of granting and termination of refugee status in the capacity of observers with the right of complete access to personal files.

3. An observer on behalf of an international organization on the matters of refugees shall be entitled to take part in consideration of claims for refugee status and to express opinion on particular cases, and on the matters concerning observance of the rights of refugees.

**Article 21. Liability for the breach of the present Law.**

Breach of the present Law shall be subject to liability in accordance with the procedure established under legislation of Turkmenistan.

**Article 22. Effectiveness of the present Law.**

1. The present Law shall enter into force as from the date of official publication.

2. To acknowledge as lost legal force:

Law of Turkmenistan "On Refugees", adopted on 4 August 2012 (*Vedomosti Mejlisa Turkmenistana*, 2012, No. 3, p. 62);

Law of Turkmenistan "On the Introduction of Amendments to the Law of Turkmenistan "On Refugees", adopted on 13 June 2014 (*Vedomosti Mejlisa Turkmenistana*, 2014, No. 2, p. 91).

**President of Turkmenistan  
Gurbanguly BERDIMUHAMEDOW.**

*City of Ashgabat, 3 June 2017.*

Translation from the state language of Turkmenistan.