

**REGULATION  
On the Procedure of Granting Refugee Status in Turkmenistan**

This Regulation establishes the procedure of granting refugee status in Turkmenistan based on generally accepted principles and rules of international laws and in accordance with the Law of Turkmenistan "On Refugees" of June 12, 1997.

**I. General Provisions**

1. A refugee is a person, who is not a national of Turkmenistan, involuntarily left his place of permanent residence on the territory of another country and 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 unwilling to avail himself of the protection of his country owing to such fear, or who, not having a definite 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. The refugee status in Turkmenistan shall be granted by the State Service of Turkmenistan on Registration of Foreign Citizens (hereinafter referred to as the "registration authorities") as agreed upon with the Cabinet of Ministers of Turkmenistan.
3. Decision on granting the refugee status shall be made within 3 months from the date of registration of an application for the refugee status. Where necessary, the period of examination of the application may be extended up to one year.

**II. The Manner of Filing and Registration of Application for Granting Refugee Status in Turkmenistan**

4. In order to obtain the refugee status, a person, upon arrival in Turkmenistan, shall personally or through the authorized representative, apply to the registration authorities with a written application.

In case where a person has had to cross the State Border of Turkmenistan with intention to illegally obtain the refugee status, the head of the border service having ascertained intentions of the person, shall forward the latter to the nearest immigration control point.

5. The application on granting the refugee status shall be registered by the registration authorities on the day of submission. The application shall be supported by the identification documents of the applicant and his family members. If the applicant declared the missing of identification documents, he shall produce explanations or documents illustrating the reasons for the missing thereof and, in such a case, information on this person shall be recorded based on the words of the latter. The lack of documents

identifying the applicant shall not constitute the cause for refusal of registering the application.

6. In case of the lack of identification documents of the refugee or in case of revelation of forged documents, the registration authorities shall direct the refugee to a temporary detention facility for the following purposes:
  - establishment of identity;
  - ascertainment of circumstances under which the person had left his state or previous residence;
  - conducting investigation in cases of destruction of identification documents and usage of forged ones;
  - protection of national security and maintenance of public order.

The temporary detention facility shall be determined by registration authorities together with law enforcement agencies and respective municipalities.

7. Upon registration of the application, the applicant shall be issued a certificate of registration of the application (hereinafter referred to as the "certificate"), which would acknowledge identity of the applicant and based on which the latter must register with according registration authorities.

The certificate is to be signed by the Head of the State Service of Turkmenistan on Registration of Foreign Nationals and attested by a seal.

The certificate is issued for a period of up to 3 months and shall be prolonged respectively in cases when the identification of the applicant or establishment of evidences needed to be proved, is not completed.

8. In cases of extraordinary large-scale arrival of persons applying for refugee status, the personnel of registration authorities, upon receipt of respective information, shall visit such places of arrival and shall carry out registration of applications of such persons and issue the certificates.
9. Personnel of registration authorities, after having registered applications and issuance of the certificates, shall familiarize applicants with the general procedure of consideration of applications and with their rights and duties.
10. Applications shall be submitted on behalf of each family member attained the age of 18 years. Information on persons under 18 arriving with family members applying for a refugee status shall be included into an application of one of the parents. In case where there are no parents, the information shall be included into an application of a legal representative or into an application of one of the family members over 18 and who voluntarily took the responsibility to maintain and support minor family members. The matters of applications of members of the same family shall be fixed in one file.

Family members arriving in Turkmenistan separately and submitting applications for purposes of family reunification shall produce documentary and other evidence acknowledging the existence of family relationship. Upon consideration of such information, the principle of family unity shall be observed.

Underage persons, who are married, shall submit applications independently and in accordance with usual procedure.

11. In cases where underage persons or persons with mental disorders arrive in Turkmenistan without accompanying legal representatives, the registration authorities shall take measures for directing such persons to the bodies of guardianship and shall facilitate consideration of applications for refugee status in the shortest possible time.
12. If a person, due to the state of health or other reasonable excuse has no possibility to personally apply with application for refugee status, then this person's legal representative may do so.
13. Persons applying for refugee status shall have rights and duties foreseen by the legislation of Turkmenistan.

### **III. Procedure of Consideration of Applications for Refugee Status in Turkmenistan**

14. The procedure of consideration of applications for granting refugee status shall include the following components:
  - conducting an interview with an applicant;
  - verification of authenticity of submitted documents and credibility of received information;
  - making a decision on submitted application for granting refugee status.
15. Initial acquisition and verification of documents attached to the application for granting refugee status in Turkmenistan, shall be conducted by registration authorities.

Personnel of registration authorities, during an interview, shall seek to obtain from an applicant a full and clear statement of the latter's situation, with all available evidence and to reveal circumstances that impelled the applicant to leave his previous state or place of residence.

The applicant must provide full and impartial information on himself. He must also state in details the reasons inured to be grounds for seeking an asylum. Information on the place of residence, itinerary of travel, place and time of stay in other countries, shall be considered as compulsory for reporting.

16. During the period of consideration of his application, the applicant must stay on the territory of Turkmenistan and shall not be entitled to temporarily leave Turkmenistan until the final decision is made. In case if the applicant leaves Turkmenistan, his application shall be revoked.
17. Registration authorities shall forward copies of documents on granting of refugee status in Turkmenistan to the Ministry of National Security of Turkmenistan, the Ministry of Interior of Turkmenistan and to the Ministry of Foreign Affairs of Turkmenistan for an opinion. The Ministry of National Security of Turkmenistan, the Ministry of Interior of Turkmenistan and the Ministry of Foreign Affairs of Turkmenistan, after having examined the matter, shall issue their respective opinions and forward them to the State Service of Turkmenistan on Registration of Foreign Nationals for further consideration. Registration authorities shall draw a respective conclusion with regard to each individual application.

18. After the analysis of available materials and documents, registration authorities shall take a decision on the possibility or impossibility of satisfying application of an applicant with stating reasons; the decision shall then be forwarded to the Cabinet of Ministers of Turkmenistan for reconciliation.
19. In accordance with the results of consideration, one of the following decisions must be made:
  - to grant the refugee status; or
  - to refuse in granting the refugee status.
20. In case of making a positive decision, the registration authorities shall issue for the person, recognized as refugee the certificate of refugee. The certificate of refugee shall be signed by the Head of the State Service of Turkmenistan on Registration of Foreign Nationals.
21. The certificate of refugee is issued for a period of up to one year. The validity of the certificate is prolonged through the process of re-registration. The certificate of refugee is a document of strict record and is issued in exchange for the certificate of registration.

The procedure of issuance, exchange and reinstatement of the certificate of refugee shall be approved by the State Service of Turkmenistan on Registration of Foreign Nationals.

22. Person received the status of refugee in Turkmenistan, shall reside in area prescribed by the state and must register with respective registration authorities within 3 working days from the moment of arrival in the place of residence.
23. The applicant may be refused in granting the status of refugee by reasons foreseen by the legislation of Turkmenistan.

In case of refusal in granting the status of refugee, the applicant, within 3 days, is issued an according notification stating the reasons for refusal and explanation of the procedure of appealing the decision.

24. Representatives of international organizations dealing with refugees shall have the right to participate as observers in the work of registration authorities on consideration of applications for granting refugee status and express their opinion with regard to particular cases and to the issues observing rights of refugees.

#### **IV. Access to Education for Children from Families Received the Refugee Status**

25. Children from refugee families residing on the territory of Turkmenistan shall have access to education in accordance with the legislation of Turkmenistan.

Children of school age from refugee families, regardless of availability of personal file, shall be accepted to schooling establishments.

26. Orphan children, children left without guardianship and children having deficiencies in physical or mental development – all being refugees, are to be placed in orphanages and respective boarding schools.

## **V. Forfeiture and Deprivation of Refugee Status**

27. Forfeiture and deprivation of the refugee status in Turkmenistan are to be established in accordance with the legislation of Turkmenistan.
28. Registration authorities, upon report of competent bodies in cases of revelation of circumstance foreseen by the legislation of Turkmenistan and serving as a ground for forfeiture or deprivation of the refugee status in Turkmenistan, shall be entitled to make decision on the forfeiture and deprivation of the refugee status in Turkmenistan.  
  
Registration authorities, when necessary, have the right to inquire from competent bodies, additional information acknowledging the feasibility of such report.
29. Registration authorities, after having verified the materials, shall prepare an according decision, which is to be approved by the Head of the State Service of Turkmenistan on Registration of Foreign Nationals and to be reconciled with the Cabinet of Ministers of Turkmenistan.
30. The authority, which has initiated such decision, shall be notified on forfeiture or deprivation of the refugee status. The person, who forfeited or was deprived of the refugee status, shall be handed with an appropriate notification within 3 days. The notification shall contain reasons for taking this decision and the procedure of appeal thereof.
31. Registration authorities may dismiss application for forfeiture or deprivation of the refugee status in Turkmenistan in cases of lack of legal grounds, which shall be communicated to the respective initiating authority.

## **VI. Rights and Duties of Persons Received the Refugee Status in Turkmenistan**

32. Persons received the refugee status in Turkmenistan shall be entitled to rights and freedoms stipulated by the legislation of Turkmenistan and must observe the Constitution of Turkmenistan, laws and other normative legal acts of Turkmenistan.
33. A person, who was refused in granting the refugee status in Turkmenistan or with regard to whom the previously granted decision has been cancelled, shall stay in Turkmenistan on usual grounds foreseen by the legislation of Turkmenistan.

## **VII. Procedure of Appealing the Decisions on Granting the Refugee Status in Turkmenistan**

34. Decisions on refusal to grant the refugee status or on cancellation of previously awarded decision on granting the refugee status in Turkmenistan can be appealed in a court within periods established by law, from the moment of issuance of respective notification.

A person, using the right to appeal the awarded decision in a court, shall stay in Turkmenistan until the court issues the final judgment.

## **VIII. Responsibilities of Government Authorities and State Administration and Bodies of Local Self-Governance with Respect to a Refugee**

35. Upon report of registration authorities, the government authorities and state administration and bodies of local self-governance shall provide persons received the refugee status with social protection and assistance foreseen by the legislation of Turkmenistan