

## THE LAW OF TURKMENISTAN On Migration

This Law shall, in accordance with the generally recognized norms of international law, establish procedure of entry in Turkmenistan, stay in its territory and departure from Turkmenistan of citizens of Turkmenistan, foreign citizens, stateless persons, determine legal relations in the sphere of migration processes in Turkmenistan, competence of government bodies of Turkmenistan in the field of regulation of migration processes in Turkmenistan.

### Section I. General provisions

#### Article 1. Principal concepts used in this law:

Migration is movement/relocation of natural persons from Turkmenistan to other states and from other states to Turkmenistan, as well as within the boundaries of Turkmenistan with a view to change permanent or temporary place of residence;

visa is a special mark (special "sticker" with the signature of an authorized official and the stamp of corresponding government institutions) in the passport or other substituting travel document of foreign citizen, stateless person recognized by Turkmenistan, that allows to enter to Turkmenistan, stay in its territory and depart from Turkmenistan;

residence permit is a document that gives foreign citizens and stateless persons the right to permanent or temporary residence in Turkmenistan;

foreign citizen is a person who is not the citizen of Turkmenistan and has credible evidence of his/her affiliation to the citizenship of any foreign state;

stateless person is a person who is not the citizen of Turkmenistan and has no (credible) evidence of his or her affiliation to the citizenship/nationality/ of any foreign state;

transit migration is movement/relocation of foreign citizens and stateless persons to the territory of other state across the territory of Turkmenistan;

labour migration is voluntary movement/relocation, on legal ground, of natural persons permanently residing in Turkmenistan beyond the boundaries of Turkmenistan, as well of foreign citizens, stateless persons permanently residing outside the boundaries of Turkmenistan and coming to Turkmenistan for the purpose of engagement in labour activity;

administrative expulsion is forced and controlled displacement of foreign citizens, stateless persons across the State Border of Turkmenistan outside its territory in cases provided by the legislation of Turkmenistan;

emigrant is a citizen of Turkmenistan departing from Turkmenistan for permanent residence in the territory of other state;

emigration is departure of Turkmenistan citizens from Turkmenistan for permanent residence in the territory of other state;

migrant is a citizen of Turkmenistan, who for any reason relocated from one place to another within the territory of Turkmenistan for permanent residence;

single register of population is the system of unified record of personal data of the citizens of Turkmenistan;

place of residence is a place of permanent or predominant residence of a person;

place of stay is a place of temporary stay of a person.

## **Article 2. Main objectives of this law**

Main objectives of this Law shall be:

Regulation/control/ and stabilization of migration processes in Turkmenistan;

protection of the rights and legitimate interests of migrants, securing their social protection;

prevention and averting illegal migration

maintenance of single register of population of Turkmenistan;

furtherance of national security and observance of state interests in conditions of development of migration processes;

improvement of mechanism for legal regulation of migration processes.

## **Article 3. Legislation of Turkmenistan on migration**

1. Migration processes in Turkmenistan shall be regulated by the Constitution of Turkmenistan, this Law, other normative legal acts of Turkmenistan and international treaties of Turkmenistan.

2. This Law shall not apply to persons who are in process of filing applications for admission to, recovery/reinstatement and renunciation/secession of citizenship of Turkmenistan, as well as to persons who have been granted a refugee status or seek such status.

## **Article 4. Basic principles of regulation of migration processes in Turkmenistan.**

Regulation of migration processes in Turkmenistan shall be based on the following principles:

securing human rights to freedom of choice of residence, occupation and profession, freedom of movement;

inadmissibility of any discrimination or infringement upon human rights and freedoms for reasons of origin, sex, race, nationality, language, religion, political or religious convictions or for other reasons;

provision of compliance of Turkmenistan's legislation with the universally recognized norms of international law and international treaties of Turkmenistan in the field of migration;

prevention of uncontrolled and unordered migration in Turkmenistan;

participation of authorized government bodies in regulation of external migration processes;

respect for and observance of Turkmenistan's legislation by migrants;

co-operation of authorized government bodies, interaction with social organizations in the field of regulation of external migration processes.

#### **Article 5. Authorized government bodies.**

1. Authorized government bodies dealing with migration issues in Turkmenistan shall be State Service of Turkmenistan for Registration of Foreign Citizens, Ministry of Foreign Affairs of Turkmenistan, Ministry of National Security of Turkmenistan, Ministry of Internal Affairs of Turkmenistan, State Border Service of Turkmenistan and other government bodies engaged in the issues of migration.

2. Control over observance of provisions of this Law shall be exercised by the government bodies specified in paragraph 1 of this Article within the limits of their powers established by the legislation of Turkmenistan.

### **Section II. Entry to, stay in and departure from Turkmenistan of foreign citizens and stateless persons**

#### **Article 6. Permit for entry to Turkmenistan, residence in its territory and departure from Turkmenistan of foreign citizens and stateless persons.**

1. Foreign citizens, stateless persons may enter to and stay in Turkmenistan on the grounds of entry visa, unless otherwise provided by international treaties of Turkmenistan. Entry to Turkmenistan, stay in Turkmenistan of foreign citizens, stateless persons arriving in Turkmenistan for permanent residence shall be practiced on the basis of residence permit issued in accordance with the procedure established by the legislation of Turkmenistan.

2. Foreign citizens, stateless persons on arrival in the point of destination in Turkmenistan shall be bound, within three working days, to register themselves based on the issued visas in accordance

with the procedure established by this Law unless otherwise provided by international treaties of Turkmenistan.

3. To engage in labor activity in Turkmenistan foreign citizens, stateless persons shall have permit for individual labor activity in Turkmenistan.

4. Foreign citizens, stateless persons staying in Turkmenistan shall have right to apply for the extension of visa, residence and work permit.

5. Foreign citizens, stateless persons shall be bound to exit/depart from Turkmenistan in case of acceleration of visa expiration date or revocation of residence permit.

#### **Article 7. Entry of foreign citizens, stateless persons to Turkmenistan**

1. Foreign citizens shall enter to and exit from Turkmenistan through migration check posts at the State Border of Turkmenistan opened for international traffic based on valid foreign passports, and stateless persons shall enter in and exit from Turkmenistan on the ground of valid documents issued by competent authorities of state of their permanent residence and certifying their identity, if appropriate visas are available.

2. Entry visas to Turkmenistan shall be issued by the State Service of Turkmenistan for Registration of Foreign Citizens.

3. Other procedure for entry to Turkmenistan and exit from Turkmenistan for foreign citizens, stateless persons may be established in accordance with international treaties of Turkmenistan.

4. Entry to Turkmenistan of foreign citizens, stateless persons shall be denied on the grounds as follows:

1) if he/she is imposed restrictions on entry to Turkmenistan in accordance with the legislation of Turkmenistan;

2) in case of absence of valid visa, passport or a document substituting passport;

3) in the interests of national security or conservation of public peace;

4) in case of entry presenting threat to health, rights and interests of the citizens of Turkmenistan and other persons residing in Turkmenistan;

5) in case of disclosure of facts of gross violation of Turkmenistan's legislation during the previous stay;

6) if at the time of filing an application for entry visa to Turkmenistan false personal data were stated or counterfeit documents submitted;

7) on other grounds established by the legislation of Turkmenistan.

5. Foreign citizens, stateless persons denied entry to Turkmenistan in the presence of visa shall be notified of such denial by the official of the State Service of Turkmenistan for Registration of Foreign Citizens. Denial of entry for foreign citizens, stateless persons shall be appealed against in accordance with the Legislation of Turkmenistan.

#### **Article 8. Issue of visa**

1 Entry visas for entry to Turkmenistan shall be issued to foreign citizens, stateless persons:

in the territory of Turkmenistan: through the appropriate subdivisions of State Service of Turkmenistan for Registration of Foreign Citizens;

outside the territory of Turkmenistan: through diplomatic representations and consular offices of Turkmenistan abroad;

2. Visa types and categories, as well as the procedure for visa execution and issue shall be established by the President of Turkmenistan.

#### **Article 9. Grounds for visa issue and extension.**

1. Grounds for issue of Turkmenistan's entry and exit visas and extension of the visa validity for foreign citizens, stateless persons shall be:

1) for the employees of diplomatic and consular institutions and other representations of foreign states and international organizations in Turkmenistan equaled to them, foreign journalists accredited in Turkmenistan and their family members - accreditation card issued by the Ministry of Foreign Affairs of Turkmenistan, and written addresses/requests of these representations, institutions and organizations;

2) for foreign citizens, stateless persons coming to Turkmenistan by invitation of hosting organizations of Turkmenistan and resident foreign representations - written addressees/requests of these representations and organizations;

3) for foreign citizens, stateless persons coming to Turkmenistan for business and official purposes - written petition of hosting organizations, with necessary documents certifying official or business nature of the trip attached;

4) for foreign citizens, stateless persons coming to Turkmenistan for the purpose of engagement in labor activity - permit of State Service for Registration of Foreign Citizens of Turkmenistan for the right to engage in labor activity in Turkmenistan;

5) for foreign citizens, stateless persons coming to Turkmenistan for private business – standard pattern invitation from natural persons or written application of a foreign citizen, stateless person;

6) for foreign citizens, stateless persons coming to Turkmenistan for permanent residence – permit issued by the State Service for Registration of Foreign Citizens, upon filing an application by these citizens, on the basis of decisions of the commission for control of issue of visas;

7) for foreign citizens, stateless persons crossing the territory of Turkmenistan by way of transit – application in person with the attachment of transit document and visa of the state of destination;

8) for foreign citizens, stateless persons coming to Turkmenistan for the purpose of tourism - application in person or written request of hosting tourist organization.

2. Organizations and permanent foreign representations hosting foreign citizens, stateless persons in Turkmenistan shall file written standard pattern addresses which shall be send as visa requests to State Service for Registration of Foreign Citizens of Turkmenistan.

3. Application forms and list of documents to be attached to an application shall be approved by State Service of Turkmenistan for Registration of Foreign Citizens.

#### **Article 10. Registration of foreign citizens, stateless persons with State Service of Turkmenistan for Registration of Foreign Citizens**

1. Foreign citizens, stateless persons coming to Turkmenistan shall be registered with the State Service of Turkmenistan for Registration of Foreign Citizens.

Foreign citizens, stateless persons coming to Turkmenistan for a term of more than 3 working days shall be bound to register themselves at the place of stay. Registration of foreign citizens, stateless persons shall be executed in the following subdivisions of State Service of Turkmenistan for Registration of Foreign Citizens: migration control posts at the State Border of Turkmenistan and subdivisions of State Service of Turkmenistan for Registration of Foreign Citizens in velayats/provinces/, etraps/districts/ and cities/towns (hereinafter referred to as bodies of registration service).

Registration of foreign citizens, stateless persons coming to Turkmenistan under a simplified entry procedure, shall be executed at the migration control posts at the State Border of Turkmenistan only if the term of their stay in Turkmenistan is no more than five days;

2. The following categories shall be exempt from registration at place of stay:

1) heads of states, parliaments and governments of foreign states, members of state, parliamentary and governmental delegations and delegations of intergovernmental and international organizations who came to Turkmenistan by invitation of the President of Turkmenistan, Medjlis/Parliament/ of Turkmenistan, Cabinet of Ministers of Turkmenistan, as well as personnel of such delegations and family members of the persons listed above;

2) crewmen of foreign warships and aircrafts who came to Turkmenistan in accordance with the established procedure;

3) persons who are part of crew of foreign commercial/civil marine ships (river boats) at the time of lie in harbors/ports or seaport cities/towns of Turkmenistan;

4) persons who are part of crew of civil aircrafts belonging to international airlines, and of teams of trains of international railway communications;

5) foreign citizens who are awarded the title "Honorary Citizen of Turkmenistan".

#### **Article 11. Registration of foreign citizens with the Ministry of Foreign Affairs of Turkmenistan**

1. The categories of foreign citizens enjoying international protection to be registered with the Ministry of Foreign Affairs of Turkmenistan shall be the following:

1) heads of foreign diplomatic representations and consulates, diplomatic staff, consular officials, administrative and service personnel of diplomatic missions and consulates, managerial staff of defense attachés, trade missions and their wives, children and parents who are dependents of persons listed above, as well as guests of heads of foreign diplomatic representations and consular offices, where these guests stay in their residence or in the territory of representations and establishments listed above;

2) staff of foreign policy departments of foreign states who came to Turkmenistan by line of duty and have diplomatic or service passports, and their family members;

3) officials of international organizations, staff of representations of the above listed organizations in Turkmenistan, as well as personnel of country representations at international organizations having the headquarter in Turkmenistan, who came to Turkmenistan by line of duty, and, in accordance with the charter documents of these organizations or appropriate international treaties, enjoy diplomatic privileges and immunities, as well as their family members;

4) persons who came to Turkmenistan with passports issued by the United Nations, where their term of stay in Turkmenistan is more than five days;

5) foreign journalists accredited at the Ministry of Foreign Affairs of Turkmenistan and their family members.

2. Ministry of Foreign Affairs of Turkmenistan shall issue accreditation cards to designated persons or inscribe notation of registration in passports directly. Ministry of Foreign Affairs of Turkmenistan shall, where necessary, perform registration of passports of statesmen and public figures of foreign states and their family members who came to Turkmenistan, where applications for such registration have been filed by diplomatic representations or consular offices, as well as international organizations and other hosting organizations. In such cases foreign citizens shall be acquit from registration with the bodies of State Service of Turkmenistan for Registration of Foreign Citizens.

#### **Article 12 Registration of foreign citizens, stateless persons who came to Turkmenistan for tourism**

Foreign citizens, stateless persons who came to Turkmenistan for tourism shall register themselves with the bodies of State Committee of Turkmenistan for Tourism and Sport.

State Committee for Tourism and Sport shall be bound, within 24 hours, to give information on registered tourists to State Service for Registration of Foreign Citizens of Turkmenistan.

### **Article 13. Extension of the term of validity of registration**

1. Extension of the term of validity of registration shall be executed following extension of visa expiry or permit for residence in Turkmenistan.
2. Ministries and institutions specified in articles 11 and 12 of this Law shall be bound, without delay, to inform State Service for Registration of Foreign Citizens of the fact of registration of foreign citizens in the provinces.
3. Foreign citizens who do not fall under articles 11 and 12 of this Law shall be registered with the bodies of State Service of Turkmenistan for Registration of Foreign Citizens.

## **Chapter III. Residence Permit for Residence in Turkmenistan**

### **Article 14. Residence permit**

1. Foreign citizens, stateless persons staying temporarily in Turkmenistan and wishing to be granted residence permit to reside in Turkmenistan shall file an appropriate petition to the State Service of Turkmenistan for Registration of Foreign Citizens addressed to the President of Turkmenistan.
2. Foreign citizens, stateless persons staying outside the boundaries of Turkmenistan and wishing to be granted residence permit to reside in Turkmenistan shall file an appropriate petition to the State Service of Turkmenistan for Registration of Foreign Citizens addressed to the President of Turkmenistan through diplomatic representations or consular offices of Turkmenistan abroad. Such petition shall be expedited through the Ministry of Foreign Affairs to the State Service of Turkmenistan for Registration of Foreign Citizens for consideration.
3. The right to apply for residence permit to reside in Turkmenistan shall be possessed by competent foreign citizens, stateless persons who have reached the age of 18 years.

Residence permit may be temporary or permanent.

Accordance or denial of residence permit shall be executed upon the adoption of the Resolution of the President of Turkmenistan.

4. State Service of Turkmenistan for Registration of Foreign Citizens and Ministry of Foreign Affairs of Turkmenistan shall, within 10 days following the adoption of Resolution of the President of Turkmenistan on the accordance of residence permit, inform the applicant of the accordance to him of residence permit to reside in Turkmenistan.



5. Residence permit shall be executed /processed and handed over to foreign citizens, stateless persons residing in Turkmenistan through the registration service bodies.

6. Execution/processing of residence permit to reside in Turkmenistan for persons residing outside Turkmenistan shall be performed by State Service of Turkmenistan for Registration of Foreign Citizens through diplomatic representations and consular offices of Turkmenistan abroad.

7. Residence permit shall be the certificate of identity of foreign citizen and stateless person during his or her stay in the territory of Turkmenistan, and, along with passport or certificate of identity of stateless persons, shall give the right to multiple entry through the State Border of Turkmenistan without obtaining the entry visa of Turkmenistan.

8. Model residence permit and the procedure for residence permit execution/processing shall be established by the acts of the President of Turkmenistan.

### **Article 15. Grounds for denial of visa and residence permit to reside in Turkmenistan**

Grounds for denial of visa and residence permit to reside in Turkmenistan for a foreign citizen and stateless person shall be the cases as follows:

- 1) commission by him or her of crime against humanity;
- 2) his or her conviction of grave or special grave crime;
- 3) institution of criminal proceedings against him or her – until completion of legal proceedings;
- 4) where his or her stay in the territory of Turkmenistan is in conflict with the interests of national security of Turkmenistan, or may disturb public order or inflict moral damage to the population of the state;
- 5) where he or she is AIDS infected, has venereal disease, suffers from drug addiction or other disease inscribed by the Ministry of Health and Medical Industry of Turkmenistan on the list of diseases causing damage to health of the population of Turkmenistan;
- 6) where he or she has knowingly presented false information in order to obtain visa or residence permit to reside in Turkmenistan;
- 7) where previously restriction on entry to Turkmenistan was applied in respect of him or her - until termination of the restriction;
- 8) where he or she was subject to administrative expulsion from Turkmenistan - until termination of the administrative expulsion;
- 9) where he or she was staying in Turkmenistan illegally or assisting another foreign citizen, stateless person in illegal penetration in the territory of Turkmenistan;

10) where he or she is a member of terrorist, treasonable/anti-state/, extremist or other criminal organizations, or a person affiliated thereto;

2. Decision of denial of visa or residence permit shall be communicated to the applicant within three days following the date the decision was made.

#### **Article 16. Revocation of residence permit to reside in Turkmenistan**

Grounds for revocation of residence permit of a foreign citizen, stateless person shall be the cases as follows:

1) submission by him or her of false data at the time of filing an application for residence permit;

2) finding of guilty of committing grave or special dangerous crime under the sentence of the court in respect of him or her;

3) execution by him or her of actions inconsistent with the interests of national security, public order or morals;

4) where he or she is a member of terrorist, treasonable/anti-state/, extremist or other criminal organization or a person affiliated thereto;

5) his or her entry to military service or other public service of the foreign state, except for the cases provided by the interstate treaties of Turkmenistan;

6) where he or she is registered on the list of an addiction clinic;

7) where he or she is married to a citizen of Turkmenistan and this marriage was contracted for the purpose of obtaining residence permit to reside in Turkmenistan;

8) where he or she has discontinued his or her study in Turkmenistan, on the ground of which the residence permit to reside in Turkmenistan was obtained;

9) where he or she has discontinued labor relations, on the ground of which residence permit to reside in Turkmenistan was obtained;

10) dissolution of marriage with the citizen of Turkmenistan within five years, provided the absence of children in marriage, if this marriage was the ground for obtaining a residence permit to reside in Turkmenistan;

11) continuous one year stay outside Turkmenistan, except for reasonable excuse corroborated by the appropriate documents.

#### **Article 17. Visa cancellation and acceleration of term of stay in Turkmenistan**

1. Grounds for visa cancellation and acceleration of term of stay of a foreign citizen and stateless person in Turkmenistan shall be the following cases:

violation of the established order of/procedure for/ stay in Turkmenistan;

violation of legislation of Turkmenistan;

where he or she poses danger for society or leads immoral mode of life;

where grounds for his or her stay in Turkmenistan ceased to exist;

other cases provided by the legislation of Turkmenistan.

2. Visa cancellation and acceleration of the term of stay of a foreign citizen, stateless person in Turkmenistan shall be also exercised based on the petition of the hosting party and other state bodies.

3. Decision of visa cancellation and acceleration of term of stay of foreign citizen, stateless person in Turkmenistan shall be made by State Service of Turkmenistan for Registration of Foreign Citizens.

#### **Article 18. Order of departure from Turkmenistan and administrative expulsion from Turkmenistan**

1. Registration Service bodies shall issue an order/prescription of departure from Turkmenistan in respect of foreign citizen, stateless person whose term of stay in Turkmenistan expired, or visa or residence permit is cancelled /revoked. Foreign citizen, stateless person shall be bound to leave from Turkmenistan within the term as specified in the order of departure.

2. In the event of non-compliance with the order of departure, foreign citizen, stateless person shall be subject to administrative expulsion from Turkmenistan.

3. Foreign citizen, stateless person may be subject to administrative expulsion in cases where:

1) his or her actions are contrary to the interests of national security or protection of public (legal) order;

2) there is a need to protect health and morality of nation, the rights and legitimate interests of the citizens of Turkmenistan and other persons;

3) he or she committed repeated or gross violation of the legislation of Turkmenistan.

Decision of administrative expulsion shall be made by the bodies of registration service based on the materials collected.

4. Along with the order of departure or administrative expulsion, temporary or permanent interdiction for entry to Turkmenistan may be imposed by State Service of Turkmenistan for Registration of Foreign Citizens.

5. Administrative expulsion of a foreign citizen, stateless person from Turkmenistan shall be executed by the bodies of registration service and law enforcement bodies of Turkmenistan.

6. Financing administrative expulsion expenditure shall be effected at the expense of:

1) funds of the foreign citizen, stateless person subject to expulsion;

2) funds of hosting organization or a private person;

3) budgetary funds ( in exceptional cases).

#### **Article 19. Migration/movement in the territory of Turkmenistan**

1. Foreign citizens, stateless persons shall be able to freely migrate/move in the territory of Turkmenistan which is open for visiting by foreign citizens.

2. Entry to the areas closed for visiting by foreign citizens and stateless persons shall be realized upon the permission issued by the bodies of Registration Service.

This procedure shall apply to foreign citizens, stateless persons, who have their foreign passports or substitute documents registered with the Ministry of Foreign Affairs of Turkmenistan.

#### **Article 20. Identification document of foreign citizen, stateless person**

1. Foreign citizen, stateless person staying in Turkmenistan shall be bound to have valid passport or a substitute document attesting his or her identity.

2. Foreign citizen, stateless person shall, in case of loss of passport or a document attesting his or her identity, shall be obliged to immediately inform of such loss the nearest department of registration service, department of the Interior, diplomatic representations and consular offices of the state of affiliation/nationality and obtain from them written confirmation of this fact.

#### **Article 21. Transit travel**

1. Transit travel of foreign citizens, stateless persons across the territory of Turkmenistan shall be exercised in accordance with the legislation and international treaties of Turkmenistan.

2. Foreign citizens, stateless persons undertaking transit travel across the territory of Turkmenistan shall be bound to observe transit travel regulation and follow the specified/predetermined route. They shall be able to stay in the territory of Turkmenistan for a longer term than that specified in transit visa only on condition that their transit visa was extended.

#### **Article 22. Procedure for entry, movement and departure of foreign citizens, stateless persons by private or official transport vehicles**

1. Procedure for entry, movement and departure of foreign citizens, stateless persons by private or official transport vehicles shall be established by the legislation of Turkmenistan.

2. Transport vehicles imported by foreign citizens, stateless persons against the obligation to export them back shall be exported from the territory of Turkmenistan upon the expiration of determined term and shall not be alienated in the territory of Turkmenistan, except for in cases established by the legislation of Turkmenistan.

3. Transport vehicle alienated in defiance of part 2 of this Article may be expropriated in favor of state revenue on the grounds of and in accordance with the procedure established by the legislation of Turkmenistan.

#### **Article 23. Responsibilities of natural persons and legal entities regarding invitation of foreign citizens, stateless persons**

1. Natural and legal entities who invited foreign citizens, stateless persons in Turkmenistan, and hosting organizations shall be bound to promptly provide to them an explanation of their rights and responsibilities established by the legislation of Turkmenistan, as well as take appropriate measures /make arrangements/ to ensure their timely registration and execution/formalization of documents certifying their right to stay in Turkmenistan, engagement in labor activity, travel/movement across the territory of Turkmenistan and departure from Turkmenistan upon expiration of the qualifying period of stay.

2. In case of absence of possibility of, or refusal by foreign citizen, stateless person from payment for health services provided to him or her, payment shall be entrusted with the hosting party.

#### **Article 24. Procedure for exercising labor activity by foreign citizens, stateless persons in Turkmenistan**

1. Procedure for exercising labor activity by foreign citizen, stateless person in the territory of Turkmenistan shall be determined by the President of Turkmenistan.

2. Engagement of foreign labor force in the territory of Turkmenistan shall be exercised based on permits issued by the State Service of Turkmenistan for Registration of Foreign Citizens.

3. When regulating the issues of labor migration priority importance shall be attached to protection of domestic labor market.

#### **Article 25. Conditions of stay of foreign citizens, stateless persons in Turkmenistan under labor migration**

Foreign citizens, stateless persons coming to Turkmenistan under labor migration non-connected with change of citizenship, shall have to have permanent place of residence outside Turkmenistan.

### **Section IV. Departure from and entry to Turkmenistan for the citizens of Turkmenistan**

## **Article 26. Procedure for departure form and entry to Turkmenistan for the citizens of Turkmenistan**

1. Every citizen of Turkmenistan shall enjoy the right to leave from and enter to Turkmenistan.

A citizen of Turkmenistan shall not be deprived of his or her right to depart from or enter to Turkmenistan.

The right to depart from Turkmenistan shall not be temporarily limited in accordance with the Article 32 of this Law.

2. Citizens of Turkmenistan shall depart from Turkmenistan through migration control/check posts at the State Border of Turkmenistan opened for international traffic provided that valid documents enabling to depart from Turkmenistan and visas of the country of destination are available, unless other procedure is provided by legal instruments or international treaties of Turkmenistan.

## **Article 27. Protection by the government of Turkmenistan of the rights and legitimate interests of the citizens of Turkmenistan outside Turkmenistan**

Citizens of Turkmenistan traveling outside its territory shall be guaranteed protection and auspices of the government of Turkmenistan.

## **Article 28. Departure of minors**

1. Citizens of Turkmenistan who have not reached the age of 18 years shall be allowed to leave from Turkmenistan unattended by legal representatives on the basis of notarized letter of attorney of their legal representatives issued in the name of the attendant. In the absence of legal representatives, departure of minors shall be allowed upon the judgment of the court.

2. Departure of minors aged 14-18 from Turkmenistan for permanent residence shall be exercised solely upon their consent represented in writing and certified by a notary.

## **Article 29. Departure of incapable persons**

Citizens of Turkmenistan found incapable by judgment of the court shall be allowed to depart from Turkmenistan solely on the basis of notarized power of attorney of their legal representatives or on judgment of the court.

## **Article 30. Documents enabling the right to depart from and entry to Turkmenistan**

1. Documents enabling departure from and entry to Turkmenistan and attesting identity of a citizen of Turkmenistan during his or her stay abroad shall be the following:

1) passport of a citizen of Turkmenistan for traveling abroad and for entry to Turkmenistan;

2) diplomatic passport;

3) service passport;

4) passport of a seaman.

These documents shall be the property of Turkmenistan and valid for departure to foreign states and entry to Turkmenistan, provided that they are duly formalized/executed.

2. In case of loss by a citizen of Turkmenistan of documents specified in part 1 of this Article, the document enabling entry to Turkmenistan shall be certificate of identity for return to Turkmenistan to be issued by diplomatic representations and consular offices of Turkmenistan abroad.

3. Where provided by international treaties of Turkmenistan, other documents for departure may be used in substitution of documents specified in part 1 of this Article.

### **Article 31. Procedure for execution/formalization of passports of Turkmenistan citizens for departure abroad and entry to Turkmenistan**

1. Execution/formalization of passports of Turkmenistan citizens for departure overseas and entry to Turkmenistan (hereinafter referred to as passport) shall be processed by State Service of Turkmenistan for Registration of Foreign Citizens.

2. Citizens of Turkmenistan shall apply for passports to the bodies of State Service of Turkmenistan for Registration of Foreign Citizens.

3. Citizens of Turkmenistan who permanently reside outside Turkmenistan shall apply for obtaining passports to State Service of Turkmenistan for Registration of Foreign Citizens through diplomatic representations and consular offices of Turkmenistan abroad. Passports for designated persons shall be executed at central department of State Service of Turkmenistan for Registration of Foreign Citizens and handed over to them through diplomatic representations and consular offices of Turkmenistan abroad.

4. Passport shall be executed for every citizen of Turkmenistan, including for minors.

5. Passport shall be issued on the basis of the citizen's personal application. Passports for minors under 18 years and persons found incapable shall be executed on the basis of application by one of the parents or other legal representative. Presence of minor shall be obligatory when formalizing a passport.

Passport shall be issued for the term of up to ten years, for minors under 16 years for a term of up to 5 years.

Passport shall be issued to the owner in person or his/her legal representative on receipt, upon submission by the applicant of identification documents.

6. Execution/formalization and issue of passport, as well as substitution/change of passport shall be levied state dues and consular fees the size of which to be determined based on factual

expenses for passport production and execution. Exemption from dues and fees shall be effected in accordance with the legislation of Turkmenistan.

7. In cases of naturalization in Turkmenistan or recovery/reinstatement of Turkmenistan citizenship passports shall be issued on the basis of decree of the President of Turkmenistan.

8. Regulation of passport issue and execution, or temporary suspension and seizure/withdrawal thereof shall be established by the President of Turkmenistan.

### **Article 32. Grounds for temporary restriction on departure from Turkmenistan and execution of passports for the citizens of Turkmenistan**

1. Grounds for temporary restriction on departure from Turkmenistan and execution of passports for a citizen of Turkmenistan shall arise where:

1) he or she is aware of information constituting State secrets - until expiration of the term established by the legislation of Turkmenistan;

2) criminal proceedings are instituted against the applicant – until completion of the proceedings;

3) an applicant is convicted of crime - until completion of service of sentence or impunity;

4) an applicant is evading discharge of the obligations charged on him or her by judgment of the court – until such obligations have been discharged;

5) an applicant has knowingly submitted false information;

6) he or she is subject to draft - until completion of active military service or exemption thereof, except for in cases of departure from Turkmenistan for permanent residence abroad;

7) civil action was sued against the applicant - until completion of legal procedure;

8) an applicant is found, by sentence of the court, a person who have committed a special dangerous repeated offense or is under the administrative police supervision - until cancellation of conviction or termination of supervision;

9) there is a (reasonable) apprehension that a citizen of Turkmenistan may, when staying abroad, fall a victim to human traffic or be enslaved;

10) an applicant during his or her previous stay abroad has violated the legislation of the state of stay;

11) his or her departure is contrary to the interests of national security of Turkmenistan.

2. The government of Turkmenistan shall, in the event that emergency arose in the foreign state that renders it impossible ensuring security of Turkmenistan citizens, make a decision of temporary restriction on entry to this particular state.



### **Article 33. Dispute resolution procedure**

1. Denial of passport execution and issue to a citizen of Turkmenistan, or passport suspension or seizure shall be appealed in court.
2. Denial of departure from Turkmenistan to a citizen of Turkmenistan on the grounds pursuant to paragraphs 2-4, 7-8 of part 1, Article 32 of this Law shall not be appealed in court.

### **Article 34. Education and engagement in labor activity by the citizens of Turkmenistan abroad**

1. Citizens of Turkmenistan, except for persons on military service, shall be in position to study and engage in labor activity outside Turkmenistan.
2. To receive education abroad citizens of Turkmenistan shall need to have an appropriate confirmation of or invitation from the educational institution.
3. To engage in labor activity overseas, citizens of Turkmenistan shall need to have the following:

invitation from an employee with indication of accurate address of the enterprise;

permit for engagement in labor activity from the competent bodies of the state of destination.

In case of failing to meet the conditions specified above and for the purposes of securing safety of Turkmenistan citizens abroad, they shall be denied departure from Turkmenistan for study or engagement in labor activity.

### **Article 35. Departure for duty of service and private business by way of tourism**

1. Citizens of Turkmenistan shall have the right to leave from Turkmenistan for duty of service and private business, as well as for the purpose of tourism.
2. Departure of citizens of Turkmenistan from the country for duty of service and private business, as well as for tourist purposes shall be exercised in accordance with this Law and other normative legal instruments of Turkmenistan.

### **Article 36. Procedure for departure of Turkmenistan citizens outside the territory of Turkmenistan for permanent residence**

1. Citizens of Turkmenistan shall have the right to leave from Turkmenistan outside its territory for permanent residence. Citizens of Turkmenistan who leave from Turkmenistan for permanent residence outside Turkmenistan shall be bound to have an appropriate visa or permit issued in accordance with the procedure established by the legislation of Turkmenistan.
2. Overall term of consideration of applications from Turkmenistan citizens and execution /formalization of documents for departure from Turkmenistan for permanent residence shall not be more than three months.

3. Citizens of Turkmenistan who have obtained exit documents shall have the right to export to the country of destination, as well as preserve/retain in the territory of Turkmenistan property owned by them under enjoyment of the right to personal property. Any restriction of their civil, social, labor, housing or other rights shall be inadmissible.

Export by citizens of Turkmenistan of items constituting cultural, historical, or another value for the state, beyond the boundaries of Turkmenistan shall be regulated by the legislation of Turkmenistan and international treaties of Turkmenistan.

4. Citizens of Turkmenistan prior to exiting Turkmenistan for permanent residence shall be bound to fulfill property obligations to natural persons and legal entities within the jurisdiction of Turkmenistan.

5. Procedure for entry to foreign state shall be regulated by the legislation of the respective state of entry, as well as international treaties of Turkmenistan.

6. Citizens of Turkmenistan who left from Turkmenistan for permanent residence outside its borders, shall, on their return to Turkmenistan for permanent residence, enjoy on general conditions all rights guaranteed by the legislation of Turkmenistan, and assume responsibilities established by law.

#### **Article 37. Non-emigrants**

Persons not referred to emigrants shall be the following: staff of diplomatic representations, consular offices and other representations of Turkmenistan in foreign states, citizens of Turkmenistan temporarily engaged in labor activity in other states, as well as persons staying in foreign states for the purpose of study, medical treatment, tourist voyage and by invitation of organizations and private persons, as well as in business trip.

Persons also not referred to emigrants shall be other persons who temporarily left from Turkmenistan.

#### **Article 38. Departure of citizens having access to State secrets**

1. Departure from Turkmenistan of citizens of Turkmenistan having access to State secrets may not be allowed in cases established by the Law of Turkmenistan on Protection of State Secrets.

2. Temporary restrictions on departure from Turkmenistan shall be brought to the notice of citizens having access to information that constitutes State secrets, by administration of an enterprise and organization, head of educational institutions command of military unit, at the time of intake (admission to educational institution) and enlistment in military service.

#### **Article 39. Expenses related to departure from Turkmenistan of citizens of Turkmenistan**

Expenses associated with departure from Turkmenistan of citizens of Turkmenistan for permanent residence in other states shall be covered on account of their own funds, as well as on account of other legitimate sources.

## **Chapter V. Internal migration**

### **Article 40. The rights of Turkmenistan citizens to freedom of movement and choice of residence or place of stay in the territory of Turkmenistan**

1. Every citizen of Turkmenistan, pursuant to the Constitution of Turkmenistan, laws and international treaties of Turkmenistan in the sphere of human rights, shall have the right to freedom of movement, choice of residence and place of stay throughout entire territory of Turkmenistan.
2. Limitation of the right of Turkmenistan citizens to freedom of movement, choice of residence and place of stay within the boundaries of Turkmenistan shall be allowed on the grounds of and in accordance with the procedure established by this law.
3. Decisions, actions or inactions of government authorities, officials, as well as other natural persons and legal entities affecting the right of the citizens of Turkmenistan to freedom of movement, choice of residence and place of stay within the territory of Turkmenistan, shall be appealed against in the superior body, official or court.

### **Article 41. Certificate of identity of the citizen of Turkmenistan**

1. Document certifying the identity of the citizen of Turkmenistan in the territory of the state shall be certificate of identity of the citizen of Turkmenistan.
2. Certificate of Identity of the citizen of Turkmenistan shall be the property of the Turkmen state and shall be valid in the entire territory of Turkmenistan.
3. Certificate of identity of the citizen of Turkmenistan shall be executed/formalized/ in the official language in the form of electronic readable cards.
4. Certificate of identity of the citizen of Turkmenistan shall be executed/formalized/ for every citizen of Turkmenistan upon reaching the age of 16 and issued for a term of 10 years.
5. Certificate of Identity of the citizen of Turkmenistan shall be executed/formalized on the basis of personal application of the citizen of Turkmenistan. Certificates of Identity of persons found incapable by court shall be executed /formalized/ on the basis of petition of their legal representatives.
6. In cases of need exchange/substitution of certificates of identity shall be made on the basis of applications of Turkmenistan citizens.
7. Execution/formalization/ and issue, as well as exchange/substitution of certificate of identity of the citizen of Turkmenistan shall be subject to collection of state dues, the sizes of which shall be

determined by the President of Turkmenistan, with account taken of factual expenses for the certificate production and formalization. Exemption from payment of state due shall be granted in accordance with legislation of Turkmenistan.

8. Procedure for execution and issue of the certificate of identity of the citizen of Turkmenistan, as well as the model and description thereof, shall be approved by the President of Turkmenistan.

#### **Article 42. The right to protection from forced displacement**

1. Every citizen of Turkmenistan shall have the right to protection from forced displacement from his or her residence or place of stay.

The right to protection from forced displacement shall be exercised by way of filing an appeal to the court in accordance with the procedure established by the legislation of Turkmenistan.

2. Forced displacement of the citizen of Turkmenistan from place of residence or stay shall be executed based on the judgment of the court.

#### **Article 43. Limitation of freedom of movement, choice of residence and place of stay**

Cabinet of Ministers of Turkmenistan shall, in the interests of national security, protection of public order and health of the population, impose restriction on/limitation of freedom of movement, choice of residence and place of stay in the following areas of Turkmenistan:

frontier zone;

closed military stations/cantonments;

areas of environmental disasters and areas of treat of natural (man-made) disasters because of the danger of spread of mass infectious diseases and poisoning of people;

territories where state of emergency is instituted.

#### **Article 44. Forced migrants**

1. In cases of natural disasters, major accidents or catastrophes, as well as other emergencies the Government of Turkmenistan shall declare the state of emergency in the country in accordance with the Law of Turkmenistan on Legal Regime of State of Emergency.

2. In case of emergency authorized bodies of government authorities and public administration of Turkmenistan shall have the right to evict/resettle/ the citizens *ad interim* from areas dangerous to their residence, with other stationary or temporary housing mandatory provided to them.

Forced migrants shall be provided with the relief required, and necessary living conditions shall be set up including provision of food and drinking water, basic hygienic/sanitary and health services.

3. The Government of Turkmenistan, bodies of government authorities and public administration, local executive authorities and local government, respective social institutions and legal entities shall provide possible/adequate aid and organize for forced migrants necessary living conditions at the new place of residence or place of stay.

4. After liquidation of consequences of natural disaster and other circumstances specified in this Article the Government of Turkmenistan and respective bodies of government authorities and public administration, jointly with the bodies of local executive authorities and local government shall provide assistance to forced migrants in returning to the previous place of residence and arrangement of amenities/facilities, including reconstruction of destroyed houses.

#### **Article 45. Record of citizens of Turkmenistan by place of residence and place of stay within the borders of Turkmenistan**

1. For the purpose of regulation/control/ of internal migration processes, provision of necessary conditions for exercising the rights and freedoms of internal migrants, as well as fulfillment of their obligations to other citizens of Turkmenistan *propiska/registration/visa of passport/* of citizens by place of residence and registration by place of stay shall be established.

Registration/*propiskal* by place of residence is an official registration/legalization of a citizen's residence to the particular address in /lodgments/living quarters in the territory of respective etraps/districts/ and towns of Turkmenistan, as well as notation or mark (stamp) of such registration in the document certifying the citizen's identity.

2. Registration/*propiskal* shall be executed based on decisions of the commissions for consideration of registration/*propiskal* issues under respective khyakimliks/mayor's offices/.

3. A person who has, under the right of property, several lodgments in the territory of Turkmenistan shall be registered by one of the indicated lodgments only.

4. Citizens who temporarily leave from the place of permanent residence to other place for a term of over forty five calendar days without registration of such departure, as well as non-resident students and students of educational institutions during the time of study shall be subject to registration by place of stay. Registration of citizens by place of stay shall be executed by authorized officials of respective khyakimliks.

Registration by place of residence is the official formalization of temporary stay of a citizen by particular address in living quarters.

5. Procedure for registration of citizens by place of residence and registration of citizens by place of stay shall be approved by the President of Turkmenistan.

#### **Article 46. Guaranties of rights and freedoms of citizens irrespective of registration by place of residence and place of stay**

1. Every citizen of Turkmenistan shall enjoy the rights and freedoms guaranteed by the Constitution and legislation of Turkmenistan, throughout its entire territory, irrespective of the fact of registration by place of residence or by place of stay.

2. Absence of registration by place of residence or of registration by place of stay shall not constitute the grounds for limitation of rights and freedoms of citizens.

#### **Article 47. Single register of population of Turkmenistan**

1. Single register of population of Turkmenistan shall be designed for collection, storage, generalization and evaluation of information about citizens of Turkmenistan, as well as submission of such information to the bodies of state authority and public administration of Turkmenistan, natural persons and legal entities in accordance with the procedure established by the legislation of Turkmenistan.

2. Single register of population of Turkmenistan shall consist of personal data about the citizens of Turkmenistan. Maintenance of personal data about the citizens shall constitute the basis of state resource of information about population, formation and use of which shall be performed by the centralized personal data bank.

3. Control over data collection for the formation of single register of population of Turkmenistan, as well as the use thereof, shall be exercised by the Cabinet of Ministers of Turkmenistan.

4. Procedure for the formation and operation of single register of population of Turkmenistan shall be established by the President of Turkmenistan.

### **Chapter VI. Responsibility for violation of legislation of Turkmenistan on migration**

#### **Article 48. Grounds for rise of responsibility**

Foreign citizens, stateless persons who have committed unlawful act in the territory of Turkmenistan shall bear responsibility on general conditions in accordance with legislation of Turkmenistan, with the exception of cases provided by international treaties of Turkmenistan.

#### **Article 49. Responsibility for hosting foreign citizens, stateless persons who stay illegally in the territory of Turkmenistan**

Where natural persons and legal entities take on the staff, as well as register and provide assistance to foreign citizens, stateless persons who have illegally arrived in the territory of Turkmenistan, and in case of incompliance with the provisions of Article 23 of this Law, they shall bear responsibility in accordance with legislation of Turkmenistan.

#### **Article 50. Responsibility of foreign citizens, stateless persons for breach of the order of stay in Turkmenistan or transit travel across the territory of Turkmenistan**

1. Breach by foreign citizens, stateless persons of the order of stay in Turkmenistan (residence without residence permit documents or residence without visa, residence on the basis of invalid documents, engagement in unlawful labor activity, non-observance of the established order of registration, movement and choice of residence, evasion of departure from Turkmenistan on expiration of visa or a term of stay fixed in it, as well as non-observance of regulation on entry, departure and transit across the territory of Turkmenistan) entails responsibility in accordance with the legislation of Turkmenistan.

2. Foreign citizens, stateless persons who come to Turkmenistan and engage in labor activity without appropriate permit of authorized government body shall be subject to forfeit or administrative expulsion from Turkmenistan in accordance with the legislation of Turkmenistan.

3. Matters of responsibility of persons enjoying privileges and immunities in accordance with the legislation of Turkmenistan and international legal instruments shall be settled by means of diplomatic protocol.

#### **Article 51. Responsibility of officials of enterprises, institutions and organizations hosting foreign citizens, stateless persons in Turkmenistan**

Officials of enterprises, institutions and organizations hosting foreign citizens and stateless persons in Turkmenistan or providing service to them, meeting their obligations related to the observance of order of stay in Turkmenistan and transit across the territory of Turkmenistan by foreign citizens and stateless persons, of the established procedure for registration thereof, processing and extension of visas, execution of documents enabling their right to reside, move and change place of residence in Turkmenistan, shall bear responsibility in accordance with the legislation of Turkmenistan.

#### **Article 52. Responsibility of citizens hosting foreign citizens, stateless persons by way of private business**

Citizens who invited foreign citizens or stateless persons and failed to take measures to ensure their departure from Turkmenistan after expiration of term of validity of visas, as well as afforded lodgment and transportation or any other services to them in breach of the statutory requirements, shall bear responsibility in accordance with the legislation of Turkmenistan.

#### **Article 53. Responsibility of the carrier**

Where foreign citizen, stateless person arrived in Turkmenistan without appropriate permit, competent government bodies shall be bound to ensure his or her departure from Turkmenistan at the expense of funds of foreign citizen, stateless person, and in the absence thereof – at the expense of the carrier.

Where immediate departure of foreign citizen, stateless person who has no permit for entry in Turkmenistan is impossible or extremely difficult, competent government bodies of Turkmenistan shall prescribe to stated persons to stay in particular place, while expenses related thereto shall be born by a carrier.

A carrier who brought foreign citizen, stateless person to Turkmenistan in violation of entry requirements provided in Articles 6-7 of this Law, shall bear responsibility in accordance with the legislation of Turkmenistan.

The President of Turkmenistan  
Saparmurat Turkmenbashi  
*Ashgabat,*  
*December 7, 2005*