



## **GAP ANALYSIS REPORT:**

A Review of Tajikistan's  
Asylum Law and Practice



Danish Refugee Council in Tajikistan

Шӯрои Данияги оид ба Гурезагон дар Тоҷикистон

Датский Совет по Беженцам в Таджикистане

# Gap Analysis Report:

## *A Review of Tajikistan's Asylum Law and Practice*

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## **Abstract**

Tajikistan has taken many positive steps to reform its refugee status determination (“RSD”) process since it passed its first refugee law as an independent nation in 1994 and a new asylum law was adopted in 2002. A strong majority of asylum seekers are recognized as refugees by the Tajik state, and both asylum seekers and refugees are usually able to live peacefully and securely in the country. Despite the progress made in establishing a working asylum system in Tajikistan, however, there remain several gaps in the RSD procedures that mean that it does not comply with international law or best practice. This report was commissioned by the Danish Refugee Council (“DRC”) to detail the gaps in the asylum process in Tajikistan and propose recommendations to the Government of Tajikistan to address those shortcomings. The most significant gaps exist in:

- the contradictions between the national legislation and resolutions relating to asylum and the 1951 Refugee Convention, which has been acceded to by Tajikistan;
- the lack of a binding, written set of RSD operating procedures or referral mechanisms;
- the absence of a temporary accommodation center for newly-arrived asylum seekers;
- the insufficient legal advice and representation refugees and asylum seekers receive; and
- the failure to use appropriate country of origin information in the RSD process.

These gaps, and others, will be discussed below in turn. This analysis is the result of both a desk review of the written materials available on RSD in Tajikistan, both in the English and Russian languages, as well as a series of interviews conducted in Tajikistan in October 2011.<sup>1</sup>

## **Introduction**

The purpose of any RSD system should be to provide protection to people seeking asylum who are in genuine need of international protection in a reasonably short period of time. In some ways, the Government of Tajikistan’s RSD process meets this goal. The Tajik state recognizes a high percentage of asylum seekers as refugees and typically provides them with a long-term permits to stay in the country, which are issued for one year initially and then are subsequently renewable annually.<sup>2</sup> Detention of asylum seekers is very rare and there are no

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<sup>1</sup> During October 2011, 15 interviews with relevant Tajik Government officials, members of the international community, and diplomats were conducted to obtain the background information needed to draft this report. In addition, group meetings with Afghan refugees and asylum seekers, governmental authorities involved in asylum procedures, and judges hearing refugee status determination appeals were also held during this period. Names and specific references to individual interviews have been intentionally omitted from this report as a precautionary measure.

<sup>2</sup> According to the UNHCR’s *Lives in Limbo* report, in 2008, the Tajik Government recognized as refugees 828 cases and rejected 639; in 2009, the Government recognized 894 and rejected 202; and in 2010, it recognized

detention facilities or camps specifically for refugees in Tajikistan. Afghan nationals, the vast majority of asylum seekers in Tajikistan, typically obtain tourist visas at the Tajik Embassy and consulate offices in Afghanistan and then apply for refugee status once they are legally in Tajikistan. Furthermore, Tajikistan's national refugee law allows for asylum seekers to apply for refugee status at Tajik consulate offices in their country of origin.<sup>3</sup> All the above must be assessed positively. Nevertheless, a number of gaps in the Tajik refugee law and practice exist, and they are discussed below.

## **1) Gaps in Tajikistan's Refugee and Asylum Law**

Tajikistan was the first Central Asian state and the second successor state of the Soviet Union to accede to the 1951 Convention on the Status of Refugees ("1951 Convention") when it did so in 1992.<sup>4</sup> Unfortunately, it becomes immediately obvious to anyone considering the Tajik asylum system that Tajikistan does not satisfactorily respect all of its international obligations as regards refugees, in particular the obligations enshrined in the 1951 Convention. Several national resolutions in their essence, and the national Law "On Refugees" of the Republic of Tajikistan, No. 590, 2010, ("Law on Refugees" or "Refugees Law") in parts, directly contradict the 1951 Convention; specific examples of which are set forth below. The Tajik Law on Refugees is appended at the end of this report as Appendix 1 for reference.

One such problematic law is Government of Tajikistan Resolution No. 323 (2000), which defines purportedly safe third countries for asylum seekers (the following countries are on the safe third country list in the resolution: Afghanistan, Belarus, China, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Turkmenistan, and Uzbekistan).<sup>5</sup> Resolution No. 323 expressly prohibits the granting of refugee status to asylum seekers who temporarily resided in any of these countries, without defining the length or type of residence that would lead to the application of the rule in the resolution. As Resolution No. 323 does not specify the term "temporarily residing," it may be interpreted that all asylum seekers reaching Tajikistan through any of the countries on this list would be excluded from protection. Further, as the above list covers all the states neighboring Tajikistan, it also implies that all asylum seekers entering Tajikistan by land may be excluded from applying for asylum – except in the case

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487 and rejected 175. See UNHCR, Policy Development and Evaluation Services, *Lives in Limbo: A Review of the Implementation of UNHCR's Urban Refugee Policy in Tajikistan*, Annex 1, U.N. Doc. PDES/2011/03 (May 2011) ("*Lives in Limbo*").

<sup>3</sup> See Law "On Refugees" of the Republic of Tajikistan, No. 590, 2010, Art. 6.

<sup>4</sup> Tajikistan has also ratified the 1967 Protocol on the Status of Refugees. References in the text to the 1951 Convention include by implication the 1967 Protocol as well and as needed.

<sup>5</sup> Resolution No. 323 reads, pertinent part:

"In order to provide implementation of national policy on refugees, as well as regulation of receiving the flows of aliens, applying for the refugee status, in accordance with the Law of the Republic of Tajikistan "On Refugees", the Government of the Republic of Tajikistan orders: To adopt the attached list of states, where, if refugees and asylum-seekers temporarily resided prior to arrival to the Republic of Tajikistan, would constitute a basis for refusal of registration of applications for granting asylum and refugee status."

that they are citizens of one these countries. This resolution could, therefore, result in *refoulement*, or unlawful expulsion in violation of Article 33 of the 1951 Convention, of almost all land refugees because they could automatically be denied refugee status in Tajikistan due to the resolution. In this way, Resolution No. 323 is far more detrimental to asylum seekers than so-called “safe third country” provisions followed by other countries, such as the Dublin Regulation agreed amongst EU member states,<sup>6</sup> as it unilaterally applies to states in which democratic and human rights cannot be guaranteed.

The Government of Tajikistan Resolution No. 325 (2000),<sup>7</sup> as amended by the Government of Tajikistan Resolution No. 328 (2004),<sup>8</sup> bans refugees and asylum seekers from residing in many areas of Tajikistan, including the capital Dushanbe, the second largest city in the country Khujand, and most of the border regions of the country. Other foreign residents or visitors to Tajikistan are not so restricted in where they may live, only refugees and asylum seekers. In this way, these resolutions directly contradict Article 26 of the 1951 Convention that requires Contracting States, such as Tajikistan, to respect the freedom of movement of refugees at least to the same extent as other foreigners in the country. The residence restrictions in Resolutions Nos. 325 and 328 must be considered a serious shortcoming that deeply and negatively affects lives of refugees in Tajikistan.

Several portions of the Tajik Refugees Law also explicitly limit rights that are expressly protected in the 1951 Convention, and the law further contains several unclear provisions open to wide interpretation that can be used to unfairly restrict the rights of refugees and asylum seekers. For example, pursuant to the Law on Refugees, Article 3, members of “drug mafia structures” can be excluded from refugee status without reference to the severity of the crimes they committed or whether they were convicted of a crime at all, as is required in Article 1F(b) of the 1951 Convention. Other examples from Article 3 of the Refugees Law are that persons who left their country of origin for economic reasons, even if they had additional protection reasons as recognized by the term “mixed migration,” are barred from obtaining refugee status; as are persons who left their country of origin due to a natural disaster or as a result of “man-made reasons”. The last of these reasons for denial of refugee status, man-made reasons, is applicable to practically every asylum case, and a literal application of this rule would result in a *de facto* denial of all the rights protected in the 1951 Convention and potentially risk *refoulement* for every single asylum seeker in Tajikistan.

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<sup>6</sup> See Council Regulation 343/2003, Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Asylum Application Lodged in one of the Member States by a Third-Country National, 2003 O.J. (L 50) 1-10 (EC).

<sup>7</sup> The relevant portion of Resolution No. 325 reads, “With a view to ensure security and public order in settlements of the Republic of Tajikistan, ... the Government of the Republic of Tajikistan orders: ... temporary residence of asylum-seekers and refugees is prohibited in the attached list of Tajik settlements....” The list of settlements from which asylum seekers and refugees were barred included 31 districts, and encompassed, among other areas, the three largest cities in Tajikistan (Dushanbe, Khujand, and Kulab) as well as most border regions.

<sup>8</sup> Resolution No. 328 permitted asylum seekers and refugees to live in the following districts that had previously been closed to their residence: Darband, Faizabad, Gharm, Kofarnihon, Tavildara, Tojikobod, and Yovon.

The Law on Refugees also broadly permits the restriction of asylum seekers' rights for national security and other reasons without a clear specification which rights might be implicated, potentially depriving asylum seekers of all of their rights.<sup>9</sup> Finally, some guarantees and rights stipulated in the Law on Refugees remain on paper only and are not available to asylum seekers and refugees in practice – for example, the obligation of state to provide accommodation for asylum seekers in temporary accommodation centers.<sup>10</sup> These shortcomings in RSD practice will be discussed at more length below.

With the assistance of DRC and the United Nations Office of the High Commissioner for Refugees (“UNHCR”), as well as the national NGO Right and Prosperity, the Government of Tajikistan through the Ministry of Interior (“MOI”) has already begun to address the contradictions between Tajik national law and 1951 Convention, as is required by Article 10 of the Tajik Constitution. Beginning in January 2012, DRC hosted a working group of MOI and other Government officials to consider reforms to the Law on Refugees and other laws affecting refugees and asylum seekers. In March 2012, and following frank discussions between the participants attending and civil society members observing the working group meetings, the MOI working group proposed 70 different changes to current Tajik asylum law to bring it into closer compliance with international legal norms. The Minister of Interior subsequently accepted these proposals and they are presently being vetted by other units of the Executive Branch of the Government of Tajikistan. After this review, it is hoped that these proposed amendments will be submitted to the Majilisi Namoyandagon, the lower house of the Tajik Parliament, for its consideration.

*Recommendations:*

- 1) Repeal or significantly modify Government of Tajikistan Resolutions No. 325 and 328, that restrict the places of residence of asylum seekers and refugees, to allow for freedom of movement of refugees and asylum seekers.
- 2) Repeal or significantly modify Government of Tajikistan Resolution No. 323, regarding so-called safe third countries, to ensure that asylum seekers are not improperly barred from seeking refugee status.
- 3) Amend the Law on Refugees so that it better or fully comports with the 1951 Convention.
- 4) Encourage respect for Article 10 of the Constitution of the Republic of Tajikistan by supporting education and training of appropriate stakeholders on the issues involved.

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<sup>9</sup> Article 7 of the Tajik Law on Refugees states: “The rights of asylum-seekers applying for refugee status can be restricted in cases provided for by laws and other enactments of the Republic of Tajikistan with the aim to ensure protection and security of the state, safeguard the fundamentals of the constitutional system, protect morality, health, rights and freedoms of other persons.”

<sup>10</sup> See Articles 5 and 15 of the Law on Refugees.



## **2) Gaps in RSD Practice**

The Tajik national authorities responsible for refugee issues give precedence to national legislative and regulatory provisions over the binding international obligations of the Tajik state, ignoring the clear provisions of Article 10 of the Tajik Constitution that make international agreements acceded to by Tajikistan controlling over contradictory portions of domestic law.<sup>11</sup> Thus, there are many obligations from the 1951 Convention that have been theoretically accepted by Tajikistan, but are not implemented in practice. Key areas of problematic RSD practice in Tajikistan include access to the territory of the state by asylum seekers, access to the RSD process, and shortcomings within the RSD process, all of which will be discussed in turn.

### **a) Access to the Territory of the State**

The stakeholders in the asylum process – responsible State authorities, UNHCR, and NGO's, as well as the asylum seekers and refugees themselves – confirmed in separate interviews conducted in October 2011 that asylum seekers have relatively easy access to the territory of Tajikistan, as almost all asylum seekers arrive in the country with valid visas issued by Tajik consulates abroad. Worrysome, however, is the fact that for alleged security reasons, neither UNHCR, International Organization for Migration (“IOM”), DRC, nor other NGO lawyers are allowed access to the border area or to international airports and do not even have information on the situation for asylum seekers at border entry points.<sup>12</sup> On the other hand, no known complaints related to difficulties at entry points have been received from Afghan refugees. The price for entry visas varied according to stakeholders, as they were allegedly cheaper at consulates in Kunduz and Mazar-i-Sharif than from the embassy in Kabul. There are also known cases of asylum seekers arriving without proper documentation in Dushanbe who were then advised about the possibility of submitting a refugee claim by the NGO Right and Prosperity in cooperation with UNHCR. It seems clear, though with a certain degree of uncertainty due to the lack of any border monitoring mechanism, that most asylum seekers are able to access the formal RSD procedure in Tajikistan.

Currently, no written, binding referral system for border guards in case an asylum seeker arrives at the border without proper documentation exists. This is true for both the land and air borders of Tajikistan. This gap has not created any practical problems for the reasons discussed previously, as border guard officials agree with other stakeholders that almost no

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<sup>11</sup> Article 10 of the Constitution of the Republic of Tajikistan reads, in pertinent part:

“International legal documents recognized by Tajikistan shall be a component part of the legal system of the republic. In case the republican laws do not conform to the recognized international legal documents, the rules of the international documents shall apply. Laws and international documents recognized by Tajikistan shall come into force after their official publication.”

<sup>12</sup> In the period 2008-09, the Government of Hungary permitted the type of border monitoring of the implementation of the 1951 Convention by UNHCR and NGO's that would be useful in Tajikistan, which was possible due to the close cooperation between the Hungarian national police, UNHCR, and the NGO Hungarian Helsinki Committee. *See* Hungarian Helsinki Committee, *Report on the Border Monitoring Program 2008-2009* (2010).

asylum seekers actually apply for refugee status at the border.<sup>13</sup> If an asylum seeker were to apply for status at the border or at an international airport, border officials claimed during their interviews that the asylum seeker would not be detained for longer than 24 hours in the absence of criminal charges. Further, for a longer detention, the border officials stated that the consent of a state prosecutor would be needed.<sup>14</sup>

In addition, the Tajik Government approved the National Border Management Strategy and its Implementation Plan (“NBMS”), which clearly says that refugees have a right to enter the country, seek asylum including at the border, and may not be returned without due process (also called “*refouled*”).<sup>15</sup> Thus, while the protections of the 1951 Convention are not always adhered to in practice, there is a sufficient national legal basis on which to build upon and improve.

Interestingly, based upon discussions with government officials, information has been received that a plan on how to handle a sudden influx of refugees at the border is currently being drafted by the Government of Tajikistan. No other stakeholders were aware of such a plan, and any such plan has not been shared with any of the international agencies or NGO’s active in the field. It is, therefore, unclear what exactly will be included in this contingency planning and how far such planning has progressed.

Recommendations:

- 1) Support further capacity building for border guards serving at border crossing points with Afghanistan, and potentially on the other borders due to frequent staff rotation, on refugee and asylum issues in the 1951 Convention (such as the refugee definition (Art. 1A(2)), non-*refoulement* (Art. 33), no penalty for illegal entry (Art. 31), and the exclusion clause (Art. 1F) and/or make sure that these points are reflected in the general training activities for border officials conducted by Organization for Security and Cooperation in Europe (“OSCE”) and IOM.
- 2) Issue a binding record-keeping and referral mechanism for border guards if any asylum seeker requests refugee status at the border, whether at the land border or at the airports.
- 3) Permit border monitoring by national or international independent organizations, including but not limited to DRC, UNHCR, OSCE, and/or local NGO’s.
- 4) Promote access of lawyers to asylum seekers in short-term detention.

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<sup>13</sup> Interview with a border official of the Republic of Tajikistan (Oct. 2011).

<sup>14</sup> *Id.* Notwithstanding the statement of the border official, pursuant to the law, persons may be detained for up to 72 hours without additional authority, but court sanction is needed for a longer detention, in addition to prosecutorial consent. *See* Tajik Crim. Proc. Code, art. 92, 95-96, and 111.

<sup>15</sup> *See* National Border Management Strategy of the Republic of Tajikistan, adopted by the Decree No. 202, dated 29 April 2010, at p. 20.

5) Consider including safeguards for refugees and asylum seekers in any plan developed to address a sudden influx of asylum seekers at the borders of Tajikistan, with the NBMS serving as a good starting point for such a process.

#### **b) Access to the RSD Process**

The Refugee and Citizenship Unit of the MOI (“RCU”) is the responsible state organ for registration and initial determination of asylum claims in Tajikistan and fortunately, access to the formal RSD procedure with the RCU does not seem to be difficult for asylum seekers in Tajikistan, despite some potential legal restrictions. For example, the Refugees Law, in its Articles 6 and 8, diverges from international practice in placing restrictions on the ability to simply lodge an application for refugee status. In theory, these restrictions could be used to stop asylum seekers’ claims to refugee status from even being considered on their merits.

While UNHCR’s *Lives in Limbo* report mentioned the concern that access to the RSD process may be difficult since proof of residence in a permitted area and a medical report are necessary pre-conditions for registration of asylum applications,<sup>16</sup> in practice, the Afghan refugees did not mention access to the RSD procedure as a problem. As asylum seekers usually arrive on valid one-month tourist visas, they typically prepare the needed residence and medical documents during this period of time and then submit their refugee status applications before or at the end of their visa period. Nevertheless, if the person seeking asylum is not able to provide the requested documents (the previously-mentioned proof of residence in a permitted area and the medical examination report),<sup>17</sup> the RCU may choose to reject the registration of the asylum application as a threshold matter.<sup>18</sup> Finding appropriate housing can be a particular problem for asylum seekers and refugees, due both to the restrictions of Resolutions No. 325 and 328 and the lack of any temporary accommodation center for displaced persons in Tajikistan. The absence of a temporary accommodation center is especially problematic, as asylum seekers have to search for housing in peripheral areas that are distant from population centers, such as Dushanbe, from the moment they enter the country. UNHCR, mostly through funding of the NGO Right and Prosperity that conducts the actual legal assistance interviews, helps asylum seekers, including asylum seekers arriving without proper documentation, to access the RSD procedure.

As opposed to the first-instance procedure, the safeguards in the Law on Refugees are not sufficient to protect asylum seekers’ actual access to the RSD second-instance procedure as most asylum seekers are not able to take legal steps to challenge denials of refugee status in the Tajik court system. There are several reasons for the inability to effectively challenge denials of refugee status judicially, the most significant of which are the small number of trained advocates able to represent asylum seekers in court and the lack of judicial

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<sup>16</sup> *Lives in Limbo*, ¶ 28.

<sup>17</sup> *Compare Lives in Limbo*, ¶¶ 28-29.

<sup>18</sup> Though such a rejection is not required as a matter of law, it is the regular practice of the RCU as it is permitted by the law. *See generally* Law on Refugees, Art. 8 (setting forth the grounds for denial of registration of an application for asylum).

independence in the country. The insufficient amount of judges training in asylum law also contributes to the abysmal reversal of refugee status denial decisions by the courts. These shortcomings have been noted in the *Lives in Limbo* report as well as in the interviews conducted to develop this report.<sup>19</sup> Further, unlike in current practice in Tajikistan, a guardian representing the person should be appointed as soon as possible when an unaccompanied minor or illiterate person expressing their intention to apply for asylum, which does not usually occur despite Article 6 of the Refugees Law calling for such an appointment of a guardian. All asylum seekers should also receive written information at the beginning of the asylum process informing them of the details of the RSD process and their rights and obligations in a language they understand. Either these measures are not provided for in the Refugees Law or they do not occur in practice.

### Recommendations:

- 1) Open a temporary accommodation center in Tajikistan to house vulnerable asylum seekers.
- 2) Provide medical services free of charge to asylum seekers in order to assist with the registration of their asylum application. These medical services should be available at the border, as needed, as well as in areas with a significant concentration of asylum seekers, such as Vahdat.
- 3) Follow Article 6 of the Refugee Law, and ensure the appointment of legal guardians where needed to take into account the special needs of vulnerable asylum applicants, such as unaccompanied minors, so that they are protected in the RSD procedure.
- 4) Create and distribute information leaflets in the Tajik, Dari, Pashto, Russian, and English languages about the RSD procedure in Tajikistan, the rights and obligations of asylum seekers during the RSD procedure, and the contact details of UNHCR, DRC, NGO's, and lawyers able to assist asylum seekers.

### **c) Gaps in the RSD Process as Currently Conducted by the RCU, RSD Commission, and Courts**

It became clear from the interviews conducted with officials from state and non-state institutions, as well as from discussions with refugees and asylum seekers themselves, that corruption may potentially be a significant problem in the Tajik RSD decision-making process. This conclusion was echoed in UNHCR's *Lives in Limbo* report as well.<sup>20</sup> Though progress has been made in combating corruption in Tajikistan, salaries of state officials are generally low and informal payments are still widespread in Tajikistan.<sup>21</sup> Thus, it is necessary, but also difficult, to address this possible problem effectively in the context of the

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<sup>19</sup> Interview with a Tajik judge (Oct. 2011). *See also Lives in Limbo*, ¶ 47.

<sup>20</sup> Interviews with refugees and asylum seekers conducted in October 2011 and with state and non-state stakeholders conducted during the same period form the basis for the statements in this paragraph. *See also, e.g., Lives in Limbo*, ¶ 30.

<sup>21</sup> *See generally* OECD Anti-Corruption Network for Eastern Europe and Central Asia, Istanbul Anti-Corruption Plan, *Second Round of Monitoring, Tajikistan Monitoring Report* (8 Dec. 2010).

RSD process. Refugees and asylum seekers themselves were concerned that RSD decisions may be influenced by corruption, and that only the most vulnerable refugees may be granted refugee status without having to provide informal payments. Ways that the possibility for corruption in the RSD process may be curtailed are discussed in more detail below.

Another concern raised by the interviews conducted with state authorities is that Tajik state structures often seem to approach refugees as security threats rather than persons in need of protection and help. A number of violent incidents starting in 2010 heightened the authorities' concern about security-related implications of migratory movements from Afghanistan, including asylum flows. Many Tajik government officials view asylum issues through a security paradigm, therefore, and, in their interviews for this report, they expressed their belief that the Government should restrict access to RSD procedures and thereby avoid the possibility of inadvertently recognizing criminals, terrorists, or other undesirable elements as refugees in Tajikistan.<sup>22</sup> Legitimate security concerns have to be taken seriously, however, a well-regulated and individualized RSD process is the most efficient mechanism to stop people who may be threats to state security from entering Tajikistan. Therefore, there is a practical reason, as well as a legal reason, to conduct a thorough, appropriate RSD process.

One strong point of the Tajik RSD system is that decisions are delivered quickly – typically within 3 to 9 months from the time of the asylum application. Asylum seekers are invited to interviews with the RCU following the registration of their asylum application, and the interviews are conducted in Tajik language, which is understood by Afghan Dari speakers. Unfortunately, the oral statements made in the interview are then written down in the Tajik Cyrillic alphabet, which often is not understood by asylum seekers, and they are requested to sign the protocol with their purported statements. Many refugees claim that the text of such a protocol was not read to them by Tajik officials before they were asked to sign it. Hence, many asylum seekers are asked to sign a statement they cannot readily verify and understand. Even if RSD officials memorialized the asylum seekers claims with the best of intentions, the present procedure is prone to mistakes and results in inaccuracies entering the documentation.<sup>23</sup>

A serious gap in the RSD process as currently conducted is the lack of country of origin information (“COI”) used by the RCU. According to interviews with government officials, they listen to the radio and watch television to obtain the COI that is used in the RSD process. Such a practice is not sufficient and cannot provide the necessary information needed for a fair RSD decision.<sup>24</sup> UNHCR has previously provided the RCU with mobile internet

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<sup>22</sup> See *supra* note 1.

<sup>23</sup> Interview with a Tajik government official (Oct. 2011).

<sup>24</sup> See UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, ¶ 42 (Jan. 1992) and UNHCR, Department of International Protection, Protection Information Section, *Country of Origin Information: Towards Enhanced International Cooperation*, ¶ 9, (Feb. 2004): “The information needed to assess a claim for asylum is both general and case specific. Decision-makers must assess an applicant’s claim and his/her credibility and place his/her ‘story’ in its appropriate factual context, that is, the known situation in the country of origin. Credibility assessment is itself a function of best judgment, facts and the interviewer’s ability to draw

connections, which should help in obtaining COI, but it seems that information from the internet is not usually available to RSD case managers. It is mentioned in the *Lives in Limbo* report that the RCU receives monthly updates on COI in the Russian language from UNHCR,<sup>25</sup> but according to the research conducted to prepare this report, this country of origin information is not used in practice.

The actual RSD decision is made by the RSD Commission, which is composed of members from the MOI, State Committee on National Security, and the Ministry of Health. The Law on Refugees does not describe the procedure used by the Commission to determine refugee status,<sup>26</sup> which is a serious gap and leaves room for non-transparent decision-making. Although UNHCR is allowed to observe RSD Commission proceedings, they do not contribute to RSD decisions and do not have an official advisory role to the RSD Commission.<sup>27</sup>

In practice, the RSD decisions issued by the RSD Commission do not usually contain the reasoning or facts relevant to the case, but only a brief reference to the applicable provision of the Refugees Law used. These decisions are also issued in the Tajik Cyrillic script and are only briefly explained to the rejected applicant, who is, according to the RCU, also informed orally about the possibility to submit an appeal to the courts.<sup>28</sup> Furthermore, the mere lack of residence or accommodation documents can also lead to a rejection of the refugee claim, similar to the possibility of rejecting registration of an asylum application on the same grounds.

A serious gap is the problem of seeking information on possible grounds for exclusion of asylum seekers from the Afghan authorities present in Tajikistan. The Afghan Embassy in Dushanbe claims that it is not involved in providing information about specific refugees to Tajik authorities;<sup>29</sup> however, while conducting research for this report, interviewees indicated that the State Committee on National Security and the Afghan state security authority routinely appear to exchange information on refugees and work together closely on the basis of a cooperation memorandum. Furthermore, joint trainings of Tajik and Afghan state security officials have been conducted, enhancing ties. All of which provides the opportunity for inappropriate, informal sharing of information on asylum seekers between the security officials of the two countries.<sup>30</sup>

Concerning the court procedures for appeals from negative RSD decisions by the RSD Commission, the judge interviewed for this report, who has a supervisory role in the court system, confirmed that only a small number of rejected asylum seekers submit appeals,

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appropriate inferences. To aid the decision-making process, the COI used needs to be as accurate, up-to-date and comprehensive as possible.”

<sup>25</sup> See *Lives in Limbo*, ¶ 43.

<sup>26</sup> See generally Law on Refugees, Art. 11 (setting forth the procedure for recognizing refugees).

<sup>27</sup> See *Lives in Limbo*, ¶ 41.

<sup>28</sup> Interview with a Tajik government official (Oct. 2011).

<sup>29</sup> Interview with an official at the Embassy of the Islamic Republic of Afghanistan, Dushanbe (Oct. 2011).

<sup>30</sup> Interview with a Tajik government official (Oct. 2011).

estimated to be 90 total cases in 2011. A positive fact about this appeals system is that the court generally delivers decisions on appeals within one month. Judges, however, generally consider asylum appeals filings are to be of poor quality as they frequently consist solely of pre-typed forms that do not speak to the specific circumstances of the particular case; such templates are frequently used by both advocates and *pro se* appellants. Further, the judge interviewed did not know of one single successful case of an asylum seeker appeal of a negative RSD decision by the RSD Commission, though UNHCR's *Lives in Limbo* report does mention one successful appeal.<sup>31</sup> Another weakness in the second-instance RSD process is that the courts on appeal cannot directly grant refugee status in the event of a successful appeal of a denial, and, according to Articles 256-58 of the Tajik Civil Procedure Code, they can only refer the case back to the RCU for further administrative proceedings. Additionally, the City Court and the Supreme Court can only review the issues of law, and not the issues of facts, from denials of refugee status.<sup>32</sup> This means that facts that were determined as part of the administrative RSD proceedings cannot be challenged in court even if they are clearly erroneous and even if the Government agrees that the facts found by the administrative agency were inaccurate. This situation makes it very difficult for rejected asylum seekers to overturn RSD decisions on appeal, even when those administrative decisions were based in whole or in part of faulty COI or other incorrect factual information.<sup>33</sup>

Regarding the legal aid provided to asylum seekers and rejected asylum seekers, it must be considered a gap in the RSD process that neither NGO nor private lawyers usually represent asylum seekers during the RSD process, either in the first or second instance. NGO lawyers, including those who are implementing partners of UNHCR, primarily act as advisors rather than advocates, and private lawyers are in general not interested in assisting asylum seekers due to the low remuneration these cases offer, among other reasons. Increasing the role of NGO lawyers would further protect asylum seekers and ensuring the access of advocates to their asylum seeker clients, wherever they are located (be it at the border, in prison, or at the airport), should be possible and guaranteed by binding legal rules.

#### Recommendations:

1) Support capacity building for RCU, RSD Commission members, and Tajik state security officials on asylum exclusion principles, which could include analysis of how the current exclusion procedure works, appropriate exclusion criteria, and how exclusion should be applied in the future.

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<sup>31</sup> Interview with a Tajik judge (Oct. 2011). *See also Lives in Limbo*, ¶ 47.

<sup>32</sup> UNHCR, Division of International Protection, Human Rights Liaison Unit, *Submission by UNHCR for the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Tajikistan*, § I (March 2011).

<sup>33</sup> A hypothetical example of such a situation would be one in which the written statement taken by the RCU from the asylum seeker stated that the Afghan asylum seeker resided in Kunduz before fleeing to Tajikistan rather than Kandahar, as stated by the asylum seeker orally. Due to the fact that the asylum seeker could not read the Tajik Cyrillic alphabet, she did not understand the mistake in transcript that was made. If the RSD Commission then relied on the RCU's statement, it could, in good faith but erroneously, make a factual finding that the asylum seeker at issue was from Kandahar. The asylum seeker would then not be able to challenge this inaccurate fact on appeal, as the courts can only consider matters of law on appeals of RSD rejections.

- 2) Amend the Law on Refugees or MOI internal regulations on RSD to include the right of asylum seekers to receive legal aid and legal representation during the RSD process. The role of private lawyers, especially NGO lawyers, in the RSD procedure is very important and should be promoted.
- 3) Include safeguards for refugees and asylum seekers in any understanding, written or oral, between Afghan and Tajik state security agencies.
- 4) Support capacity building on COI for Afghanistan for the RCU and RSD Commission members. This may be done in a variety of ways, from seconding COI experts to the RCU to making COI reports in Russian and Tajik regularly available to the relevant personnel, but this is a major gap in the RSD procedure that should be addressed as soon as is practicable.
- 5) Support legal aid and representation by providing additional assistance on the RSD procedure and assistance to Afghan asylum seekers and recognized refugees. One way this may be done is if civil society organizations, such as DRC, hire or otherwise support a local lawyer or lawyers to accompany asylum seekers to interviews, make sure that COI is delivered to and considered by the RCU, attend to the RSD Commission proceedings, prepare court appeals in appropriate cases, accompany rejected asylum seekers to court hearings, and tabulate results of the refugee status decisions from speaking with Afghan refugees. The Community Initiative Groups already established with DRC support could be used to develop an agreement with Afghan refugees and asylum seekers on a fee to be paid to this advocate by the Afghans themselves in order to make this activity sustainable and enable community ownership.

### **3) Addressing the Potential for Informal Payments**

#### *Background & Recommendations*

Despite the efforts that the Government of Tajikistan has taken to reduce corruption, the possibility that informal payments may affect the asylum process still exists. At least two Tajik experts interviewed for this report suggested that developing a methodology guide with a standard operating procedure for the RSD process could be worked out for use by the RCU and the RSD Commission. It would be important to start working on such a methodology guide in the form of a ministerial instruction or internal RCU rule with the goal to have it endorsed by the Minister of Interior in order to make it binding on the RCU. Regularizing and systematizing the RSD process would make corruption less likely. Other small improvements to the RSD process would further reduce the possibility of informal payments. Examples of such small improvements would be to provide specific rules for interviewing asylum seekers; to require that individual RSD decisions have reasoning based on facts, not only the law applied; to promote references to COI used in making RSD decisions; to introduce a rule that an asylum seeker must be informed about the COI and other information gathered about their case; and to have a lawyer accompany the claimant at all steps of the



RSD procedure. Such small actions, ideally memorialized in a ministerial order, instruction, or handbook, could limit the sphere for any arbitrariness in the RSD procedure. This way, through step by step improvements, more transparency will be achieved through introduction of more and more detailed procedural rules as well as the presence of a lawyer throughout the proceedings.

Additionally, considering the geographical location of Tajikistan neighboring Afghanistan, it seems plain that any form of corruption or allegations of corruption in refugee issues may be a security threat to the Tajik state. As the Government has genuine security concerns in this area, it may be reasonably argued that actual terrorists could easily sneak into Tajik society with a few hundreds dollars for bribes if the circumstances that allow for corruption are not addressed. Therefore, though the Government of Tajikistan has recognized that corruption is a widespread problem in the country that is difficult to tackle,<sup>34</sup> it is possible to attack it as regards refugee issues through the concrete steps set forth previously. Stakeholders, especially from the international community, can assist with corruption prevention measures, such as through elaborating the methodology guide suggested above or by providing additional training for RCU officials.

#### **4) Gaps in the Integration of Recognized Refugees<sup>35</sup>**

##### **a) Renewal of Refugee Permits**

The fact that recognized refugees are obliged under Article 12 of the Law on Refugees to extend their registration permits (also known as “red cards”) every year is worrying and can lead to exclusion from or termination of refugee status – even *refoulement* – of a person with genuine and recognized protection needs.<sup>36</sup> As suggested by refugees themselves and by the UNHCR’s *Lives in Limbo* report in paragraph 29, yearly re-registration presents the opportunity for using informal payments in order to secure extension of registration permits. Additionally, recognized refugees have expressed the concern that annual re-registration is unnecessarily cumbersome and costly, especially since they must live outside of Dushanbe by decree but re-registration only takes place at governmental offices located in Dushanbe. The RCU claims that yearly extension is necessary to effectively monitor the refugee community in the country in general, and to enforce the residence restrictions found in Government Resolutions No. 325 and 328 in particular. There has been no thought, however, on how monitoring the refugee community for security and compliance reasons could be attained without requiring a financially and time burdensome annual re-registration process.

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<sup>34</sup> See generally Strategy for the Fight against Corruption in Tajikistan in 2008-2012, adopted by the Government Resolution No. 34 of 26 January 2008.

<sup>35</sup> Since integration is not a part of the RSD procedure as such, the gaps in government services in support of refugees’ integration into Tajik society are mentioned only in brief.

<sup>36</sup> See UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, ¶ 135 (Jan. 1992).

## Recommendation

1) Extend the validity period for refugee status certificates, also known as “red cards”. Such a change would comport with the provisions of Article 11 of the Law on Refugees, which states that refugee status determinations shall last for a period of three years.<sup>37</sup>

### **b) Travel Documents for Recognized Refugees**

In contradiction to the Article 28 of the 1951 Convention, it is not possible for recognized refugees in Tajikistan to obtain travel documents from Tajik authorities that will enable them to travel outside of the host country. This also contradicts Article 12 of the Refugees Law, which specifically lists the ability to obtain travel documents for international travel as a right extended to recognized refugees in Tajikistan. This inability to obtain travel documents is mitigated, though from the legal point of view paradoxically so,<sup>38</sup> by the fact that the Afghan Embassy in Dushanbe usually helps Afghan refugees and asylum seekers to obtain Afghan passports or extend the validity of Afghan passports they already possess, as the vast majority of Afghan displaced persons come to Tajikistan with valid visas in their own Afghan travel documents, thereby enabling them to travel internationally. While practical, the use of Afghan passports is not a long-term solution for the many Afghan refugees and asylum seekers that wish or must travel outside of Tajikistan.<sup>39</sup> The inability to travel caused by the non-issuance of travel documents to refugees impacts them in significant ways. Recognized refugees who are unable to obtain travel documents stated that since they cannot travel outside of Tajikistan easily, they are many times unable to obtain medical treatment or attend family events such as weddings that take place outside of the host country.

The Ministry of Foreign Affairs (“MFA”) stated that it has studied the situation and has concluded that it would cost hundreds of thousands of Euros to upgrade computer systems in order to allow them to print refugee travel documents. While Tajikistan already prints and issues biometric passports in substantial numbers, additional investigation is needed on the costs for generating refugee travel documents in order to move forward to ensure refugees are able to travel outside of Tajikistan.

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<sup>37</sup> Article 9 of the Law on Refugees states: “An asylum seeker shall be recognized as a refugee for the period of up to three years. If the circumstances, due to which he became a victim of persecution, continue to exist in the country of his citizenship (former habitual residence), the validity of refugee status and registration with the interior organs of this person shall be extended by internal affairs agencies for another period of three years.”

<sup>38</sup> It is unlikely that the Afghan refugees’ requests for assistance of the Afghan Embassy and the fact that the Embassy helps them to renew or obtain new passport would be considered “reavailing himself under the protection of the country of his nationality” as per the cessation clause (Art. 1C(1)) of the 1951 Convention. It seems clear that the Afghan state authorities are weak and unable to protect the safety of their citizen who are victims of persecution from non-state agents. *Compare* Feller, E., Türk, V., Nicholson, F., *Refugee Protection in International Law – UNHCR’s Global Consultations on International Protection*, Cambridge University Press, pp. 523-524 (2003).

<sup>39</sup> *See, e.g., Lives in Limbo*, ¶ 33.

### Recommendations

- 1) Undertake further research to determine the costs that the Government of Tajikistan will incur to begin printing refugee travel documents.
- 2) Conduct a mapping exercise among Tajikistan's refugee population to establish the actual need for travel documents among refugees and to assist stakeholders in prioritizing the importance of the lack of travel documents for refugees.

#### **c) Access to Citizenship**

The inability of recognized refugees to obtain citizenship from the Republic of Tajikistan is a serious gap as well. Although Article 12 of the Law on Refugees expressly provides for recognized refugees to apply for and receive Tajik citizenship, citizenship is not granted to them in practice. In fact, during the research for this report, no positive citizenship decisions for refugees were uncovered after looking at a significant number of years. UNHCR's *Lives in Limbo* report corroborates this conclusion as well, that it is very difficult for refugees to obtain Tajik citizenship.<sup>40</sup> The practice of not granting Tajik citizenship to recognized refugees not only goes against domestic law, but it also clearly contradicts Article 34 of the 1951 Convention. It was suggested by those interviewed that part of the reason that it has proved difficult for Afghan refugees to obtain Tajik citizenship is due to the weak legal assistance they receive, as was discussed more fully above, although it was also suggested that the process of granting citizenship is overly centralized in the Executive Office of the President, which chills and delays the process.

### Recommendations

- 1) Grant citizenship to eligible, recognized refugees as required by Article 12 of the Law on Refugees and Article 34 of 1951 Convention, which additionally provides for an expedited procedure for refugee citizenship.
- 2) De-centralize the citizenship decision-making process to improve efficiency and encourage quick determinations on whether or not to grant citizenship applications submitted by refugees.

### **Conclusion**

The Government of the Republic of Tajikistan has made strides in fashioning a workable RSD system, and the procedures that are currently in place have been adequate in dealing with the present numbers of refugees and asylum seekers. There is the concern, however, that Tajik RSD process as currently constructed will not be able to be scaled up sufficiently to

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<sup>40</sup> See, e.g., *Lives in Limbo*, ¶¶ 95, 97.

deal with any influx of asylum seekers. Such a concern is not an idle one, as the ongoing warfare in neighboring Afghanistan coupled with the projected withdrawal of international combat forces by 2014 may result in increased refugee flows to Tajikistan in the near term. This possibility is only made larger given the ethnic and cultural ties across the border and the prevailing safety and peace in Tajikistan.

It is, therefore, of key importance that the gaps identified and the recommendations suggested in this report be considered closely, as the time to reform and improve the RSD procedures and the asylum system in Tajikistan is now, and not once the number of asylum seekers has exponentially increased. DRC and other interested stakeholders stand ready and able to assist the Government of Tajikistan to increase their capacity with a view to assisting them to meet their national law and international treaty obligations and fashion a more efficient and effective RSD process.

## **Appendix 1**

*(The text of the Law “On Refugees” that follows below is taken from the unofficial English translation of the law, which is available on UNHCR’s Refworld website. The law can be accessed online at: <http://www.unhcr.org/refworld/docid/3eda26b84.html>. The language of the translation has not been edited for grammar or clarity, although some formatting has been added to aid the reader.)*

### **LAW OF THE REPUBLIC OF TAJIKISTAN ON REFUGEES**

**(Akhbori Majlisi Oli of the Republic of Tajikistan, 2002, #4, part 1, p. 305; 2010, #1, p.)**

This law determines grounds and procedures for recognition of asylum-seekers as refugees in the Republic of Tajikistan, lays down economic, social and legal safeguards for protection of refugees’ rights and legitimate interests, determines the legal status of refugees.

#### **Article 1. Legislation of the Republic of Tajikistan on Refugees**

Legislation of the Republic of Tajikistan on refugees is based on the Constitution of the Republic of Tajikistan and comprises the present Law and other enactments of the Republic of Tajikistan as well as international legal instruments recognized by the Republic of Tajikistan.

#### **Article 2. Principal Definitions Used in this Law**

This Law uses the following principal definitions:

- Refugee is a person who is not a citizen of the Republic of Tajikistan and resides in its territory owing to well-founded fear of being persecuted in the country of his citizenship for reasons of race, religion, citizenship, ethnic nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a certain citizenship and being in the Republic of Tajikistan as a result of such events, is unable or, owing to such fear, is unwilling to return to it.
- Asylum-seeker is a foreign citizen or stateless person who has left the country of his citizenship or the country of his former habitual residence with the intention to apply for refugee status in the Republic of Tajikistan.
- Place of temporary settlement (Centre) is a place of temporary stay of asylum-seekers and their family members applying for refugee status or who have been recognized as refugees, who are not able to settle in the Republic of Tajikistan on their own;
- Temporary certificate of application registration is a document certifying the identity and legal status of an asylum-seeker applying for refugee status in the Republic of Tajikistan in accordance with this Law.

- Refugee certificate is a document of a set form certifying the identity of asylum-seekers recognized as refugees in the Republic of Tajikistan.

- Refugee status is a legal standing (system of general rights, freedoms, obligations and legal interests defined by the legislation of the Republic of Tajikistan) of asylum-seekers recognized as refugees in the Republic of Tajikistan.

### **Article 3. Limitations in Granting Refugee Status in the Republic of Tajikistan**

1. Operation of the current Law does not apply to the following persons:

- with respect to whom there are sufficient grounds to presume that they have committed a crime against peace, war crime or crime against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;

- with respect to whom there are sufficient grounds to presume that they have committed a serious non-political crime outside the Republic of Tajikistan prior to arrival in its territory, and who claim refugee status;

- with respect to whom there is information about their possible connection with special agencies of the country of their citizenship, international terrorist organizations or drug mafia structures;

- with respect to whom there are sufficient grounds to believe that they have been guilty of acts contrary to the purpose and principles of the United Nations, Organization for Security and Cooperation in Europe;

- receiving protection or assistance from organs or agencies of the United Nations, Organization for Security and Cooperation in Europe other than the United Nations High Commissioner for Refugees;

2. This Law is neither applicable to persons who have left the country of their citizenship (their former habitual residence) for economic reasons as a result of famine, epidemics or emergency situations of natural or man-made character.

### **Article 4. State Administration Organs Dealing with Refugee Related Issues**

The state administration organs ensuring implementation of the policy with respect to refugees are:

Internal Affairs Agencies of the Republic of Tajikistan;

National security agencies of the Republic of Tajikistan;

Foreign Affairs agencies of the Republic of Tajikistan;

Local executive branches of the government (Law of the Republic of Tajikistan as of 12.01.2010, #590)

## **Article 5. Authority and Interaction of State Administration Bodies**

### **1. Internal Affairs Agencies of the Republic of Tajikistan**

- coordinates activity of State Administration Bodies on issues related to refugees;
- administers and monitors performance of relevant agencies of internal affairs, define by ones order their competence (tasks, functions, rights and responsibilities); (Law of the Republic of Tajikistan as of 12.01.2010, #590)
- in accordance with the established order receive and transmit to the relevant agencies of internal affairs information on political, socio-economic, sanitary and epidemiological situation in the country of citizenship (former habitual residence) of the person applying for refugee status as well as information on changes of the passport-and-visa regime in foreign states and the rules of stay of asylum-seekers in the Republic of Tajikistan; (Law of the Republic of Tajikistan as of 12.01.2010, #590)
- prepares proposals for approval by the Government of the Republic of Tajikistan of a draft list of states in which temporary stay prior to arrival in the Republic constitutes a ground to refuse registration of a person's application for refugee status and refuse to recognize him as a refugee. Prepares draft provisions on refugee certificate, its design of a set form, suggests points for temporary accommodation and a list of settlements where temporary residence of asylum-seekers and refugees is prohibited as well as other normative-legal documents within the competence of internal affairs agencies; (Law of the Republic of Tajikistan as of 12.01.2010, #590)
- organizes centers for temporary residence of asylum-seekers applying for refugee status;
- receives without indemnity from individual persons and legal entities, irrespective of their form of ownership, information necessary for verification of the data provided by an asylum-seeker applying for refugee status;
- assists persons applying for refugee status or who have been recognized as refugees, who have not reached the age of 18 and who arrived in the Republic of Tajikistan unaccompanied by their legal representatives, in obtaining information on the current place of residence of their parents, or legal representatives or relatives;
- decides on recognition of a person as a refugee on the basis of the decision of Internal Affairs Agencies on granting refugee status and documents including an application for refugee status received from relevant internal affairs agencies; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- verifies the authenticity of personal data provided by asylum-seekers against the registration documents of Visa and Registration Office (OVIR);
- issues temporary certificates of application registration;
- issues standard refugee certificate to persons who have been granted refugee status;
- carries out annual re-registration of refugees;
- decides on forfeiture or divestiture of refugee status in accordance with this law;

- interacts with state administration bodies, local executive branches of the Government, individual persons and legal entities, irrespective of their form of ownership, with regard to other issues within its competence; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- registers and extends registration of persons whose applications for refugee status are being processed for registration, and who have temporary certificates of application registration; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- draws up and issues to persons and their family members who have been recognized as refugees temporary residence permit in accordance with the procedure established by the laws of the Republic of Tajikistan as well as extends its validity; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- if necessary carries out procedures requisite for identification of persons applying for refugee status and having no any identification documents; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- carries out fingerprinting of persons applying for refugee status. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

2. National security agency of the Republic of Tajikistan; (Law of the Republic of Tajikistan as of 12.01.2010, #590)

- within the scope of its competence provides the internal affairs agency with information on existence of circumstances stipulated in Articles 3 and 7 of this Law pertaining to persons applying for refugee status; (Law of the Republic of Tajikistan as of 12.01.2010, #590)
- in coordination with the Procurator General's Office of the Republic of Tajikistan takes decision on deportation of persons and their family members with respect to whom a decision has been taken on refusal to register refugee status application and grant refugee status, on forfeiture and divestiture of refugees status, and who failed to leave the Republic of Tajikistan within the set period of time;
- carries out deportation of persons with respect to whom a decision on their deportation has been taken, if the persons to be deported have not appealed this decision to a higher organ or court of law within one week after this decision was taken;
- in accordance with the established legal procedures detains at the border entry points or outside them asylum-seekers crossing the state border of the Republic of Tajikistan without a proper permit to enter the Republic of Tajikistan but who claimed asylum in the Republic of Tajikistan due to the circumstances stipulated in paragraph 2, Article 2 of this Law, and informs of it internal affairs agencies within 72 hours. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

3. Foreign Affairs Agency of the Republic of Tajikistan

- participates in negotiations, elaboration and preparation of draft treaties and agreements pertaining to refugee issues, and in proposal making on their conclusion between the Republic of Tajikistan and other countries;



- analyses, coordinates and provides information on political, socio-economic, sanitary-and-epidemiological situation in the country of citizenship of asylum-seekers applying for refugee status;
- prepares information about changes of the passport-and-visa regime and rules of stay in foreign states;
- monitors implementation of international treaties and agreements pertaining to refugee issues of which the Republic of Tajikistan is a party;
- together with other competent organs, takes up the issue of legal status of the persons seeking asylum in the Republic of Tajikistan;
- draws up and issues to persons duly recognized as refugees and their family members documents for exit from and return to the Republic of Tajikistan in the manner set by the laws of the Republic of Tajikistan, and extends their validity;
- within the scope of its competence, assists in implementation of the requirements of this law, deportation of persons who have been rejected refugee status, forfeited or divested of refugee status from the Republic of Tajikistan.

4. Local executive branches of the government (Law of the Republic of Tajikistan as of 12.01.2010, #590)

- identify sites for temporary residence of persons whose applications for refugee status have been registered with internal affairs agencies; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- assist in integration of persons recognized as refugees with due regard to availability of job vacancies on the labor market;
- provide temporary accommodation to persons recognized as refugees who are unable to settle on their own.

**Article 6. Procedure of Submitting and Reviewing Applications for Refugee Status**

1. Persons wishing to arrive in the Republic of Tajikistan to seek asylum may forward an application for refugee status to the diplomatic representative or consulate of the Republic of Tajikistan in his country of residence.

2. Asylum-seekers claiming refugee status, who has reached the age of 18 must submit either personally or through an authorized representative an application in writing to the following organs:

- in case of a forcibly illegal crossing of the state border of the Republic of Tajikistan, to the national security agencies and internal affairs agencies at the state border crossing check-point of the Republic of Tajikistan, within 24 hours. In case of circumstances beyond the control of asylum-seekers that prevent their timely submission of applications for refugee status, the set application time-frame may exceed 48 hours but no longer than the period while the said circumstances persist;
- to internal affairs agencies within the period of not later than one month, in case of legal entry to the Republic of Tajikistan; (Law of the Republic of Tajikistan as of 12.01.2010, #590).

3. If an asylum-seeker is unable to claim refugee status in person due to his health condition, his authorized representative can do it for him by producing a medical document certifying the applicant's health condition.
4. A person forced to illegally cross the state border of the Republic of Tajikistan, claiming refugee status in the Republic of Tajikistan, shall be detained by border force units or national security agencies without applying sanctions established by the legislation of the Republic of Tajikistan for illegal entry or stay in the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
5. Units of the state border protection organs and national security agencies shall, within 72 hours, notify the nearest relevant internal affairs agencies about asylum claims to be reviewed for registration. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
6. Information about the family members arriving with an asylum-seeker, who have not reached the age of 16, shall be entered into the application of one of the parents, and in case of the absence of parents, into the application of their legal representative or into the application of a family member who has reached the age of 18 and has by his own free will assumed the responsibility for the behavior, support and upbringing of the family members below 16 years of age.
7. In case of arrival in the territory of the Republic of Tajikistan of persons below 16 years of age, unaccompanied by legal representatives, and who wish to be recognized as refugees, the internal affairs agency shall interview such persons and fill out a questionnaire. Actions shall be taken to hand the mentioned persons over to patronage and custody organs of the Republic of Tajikistan pending the decision determining their legal status, in accordance with this Law and other enactments of the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
8. Legal status of asylum-seekers who have been found incapable shall be determined in accordance with the legislation of the Republic of Tajikistan.
9. Review of applications from asylum-seekers being members of the same family shall be conducted individually with each member of the family who has reached the age of 16, with due regard to the requirements of this Law.
10. In case there are no circumstances stipulated in this Law to qualify one of the family members, who has reached the age of 16, a refugee, this member of the family shall also be recognized as a refugee at his consent, in order to ensure the family unity.
11. Decision on registering an application for refugee status shall be taken by the Commission of internal affairs agency for refugee status determination within ten working days from the time of submission of the application upon the results of interviewing asylum-seekers, completion of the questionnaire on the basis of conducting individual interviews as well as verification of information received about the person and accompanying family members. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
12. A person whose application for refugee status has been registered shall be issued a temporary certificate of application registration (hereinafter certificate), which serves a document certifying his identity.
13. Information about asylum-seeker's family members who have not reached the age of 16 shall be entered into the certificate of one of the parents and, in case there are no parents, into the certificate of their legal representative or into the certificate of one of the family members

who has reached the age of 18 and has on his own free will assumed the responsibility for the behavior, support and upbringing of the family members below 16 years of age.

14. An asylum-seeker under 16 years of age, who arrived in the territory of the Republic of Tajikistan unaccompanied by his legal representatives, can also be issued the certificate taking into account the opinion of the patronage and custody organs.

15. The certificate is a ground for registration in the set manner of a person and his family members, applying for refugee status, with local internal affairs agency for the period of the application consideration.

16. When necessary, the certificate is also a ground for an asylum-seeker and his family members to receive a referral to a temporary accommodation.

#### **Article 7. Restriction of the Rights of Asylum-Seekers Applying for Refugee Status**

The rights of asylum-seekers applying for refugee status can be restricted in cases provided for by laws and other enactments of the Republic of Tajikistan with the aim to ensure protection and security of the state, safeguard the fundamentals of the constitutional system, protection of morality, health, rights and freedoms of other persons.

#### **Article 8. Grounds for Refusal to Register an Application for Refugee Status**

The following circumstances shall be regarded as grounds for refusal to register asylum-seeker's refugee applications and denial to grant refugee status:

- if the application is clearly groundless or it represents malpractice on the part of the applicant;
- in case of revealing exclusion clauses foreseen by this law;
- if a person was earlier rejected refugee status due to the absence of the circumstances which would make him become a victim of persecution subject that the situation in the country of his citizenship (his former habitual residence) has not changed from the day of the previous refusal until the submission of the new application;
- if a person is also a citizen of a third country and can use to its protection or if he enjoys the right of legal stay in the territory of a third country, in the absence of grounded fear to become a victim of persecution in that country;
- in case a person arrived directly from the territory of another country where he temporarily resided until his arrival in the Republic of Tajikistan and was not subjected to persecutions or could duly receive asylum and refugee status;
- if a person left the country of his citizenship (his former habitual residence) and does not will to return to the country of his citizenship (his former habitual residence) for fear to be punished in accordance with the legislation of that country for illegal exiting its territory or for other legal offence committed in its territory;

- if a person was forced to illegally cross the state border of the Republic of Tajikistan with the intention to apply for refugee status but did not submit an application for refugee status in the manner provided for in this Law;
- if a person refuses to provide information about himself or provides deliberately false information about himself and (or) about the circumstances of his arrival in the Republic of Tajikistan;
- if a person is married to a Tajik citizen and has, in accordance with the legislation of the Republic of Tajikistan, the possibility to obtain a permanent residence permit in Tajikistan;
- if a person has a permit for permanent residence in the Republic of Tajikistan (residence permit).

### **Article 9. Consequences of Denial to Register an Application for Refugee Status**

1. When the registration of an asylum-seeker's application for refugee status is denied due to the circumstances foreseen in this law, internal affairs agencies shall, not later than five working days from the day of taking this decision, hand or forward to the person a notification mentioning the reason of the denial and the procedure of appeal of the decision and explaining his and his family members' legal status in the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
2. Internal affairs agencies shall inform national security bodies of its irrevocable decision to deny registration of an application for refugee status in the Republic of Tajikistan. Concurrently, it shall request the relevant organ to issue the person an exit visa valid for a period necessary for him to appeal the decision of denial to register his application for refugee status. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
3. A person who submitted to internal affairs agencies an application for refugee status and received a notification of denial to register his application, and who has not exercised his right to appeal this decision, is, in accordance with this law, obliged to leave the Republic of Tajikistan together with his family members no later than one month from the day the notification of denial was received unless he has other legal grounds to stay in the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

### **Article 10. Rights and Obligations of a Person whose Application for Refugee Status is Registered**

1. An asylum-seeker whose application for refugee status has been registered as well as the accompanying him family members shall have the rights to:
  - receive information about the asylum procedure, their rights and obligations in accordance with this law;
  - reside, while the case is under consideration, in a place of temporary settlement determined by internal affairs agencies or settle on their own in the family of a Tajik citizen or in the family of a foreign citizen or stateless person permanently residing in the Republic of Tajikistan; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
  - emergency medical aid in the state health institutions;

- receiving primary and secondary education;
  - financial compensation in the manner and amount set by the Government of the Republic of Tajikistan;
  - submit a letter of request to cease the application review.
2. An asylum-seeker whose application for refugee status has been registered as well as the accompanying him family members shall be obliged to:
- observe the Constitution of the Republic of Tajikistan, this Law and other enactments of the Republic of Tajikistan;
  - leave for the place of temporary settlement within 72 hours after receipt of a referral letter to temporary settlement and upon arrival, within three working days, register with the local internal affairs agency, producing for this purpose personal documents;
  - observe the established order of residence and abide by the set sanitary-hygienic standards of residence in places of temporary settlement;
  - undergo the obligatory medical examination without delay, in accordance with the requirements set by health security organ;
  - provide the migration organs with reliable information necessary for deciding on the merits of the application;
  - notify the migration organ about changes of personal details and place of residence.

### **Article 11. Procedure of Recognizing Asylum-Seekers as Refugees**

1. Applications for refugee status in the Republic of Tajikistanis are reviewed by internal affairs agencies through: (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- summarizing the questionnairing of an asylum-seeker, on the basis of individual interviews;
  - verification of the information received about the asylum-seeker and accompanying him family members;
  - reviewing the circumstances of arrival in the Republic of Tajikistan;
  - reviewing the contents of submitted documents;
  - reviewing duly registered explanatory notes, if available;
  - reviewing other documents;
2. Application for refugee status shall be reviewed within three months from the day of its registration by internal affairs agencies. Concurrently, duration of the registration period is extended for the same period. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
3. The period of reviewing an application can be extended by internal affairs agency in case it encounters difficulties in determining the foundation of the applicant's fear to become a victim of persecution, but not beyond 3 months from the day of registration of the application for refugee status. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

4. The procedure of recognizing a person as a refugee can be discontinued at any stage if during the reviewing process of the application it has been found that the person provided deliberately false information about himself or committed an act jeopardizing the security of the country of his sojourn or violating the public order.
5. Decision on granting or denial of refugee status shall be taken by the internal affairs agencies on the basis of conclusions of the Commission on refugee status determination under internal affairs agency and the submitted results of reviewing the application and personal file of the asylum-seekers. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
6. In accordance with the "Instruction on the Refugee Certificate" approved by the Government of the Republic of Tajikistan, internal affairs agency shall issue a certificate of a set form to an asylum-seeker who has been recognized as a refugee and reached the age of 16. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
7. The certificate can also be issued to a person, who has reached the age of 16 and been recognized as a refugee, and who arrived in the Republic of Tajikistan unaccompanied by his legal representatives, taking into account the opinion of the patronage and custody organs.
8. The certificate along with a written request of internal affairs agency shall be a ground for proper registration of the person recognized as a refugee and his family members with the local interior organ at the place of their residence. It is also a ground for receiving a residence permit for the duration of the refugee status validity. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
9. An asylum-seeker shall be recognized as a refugee for the period of up to three years. If the circumstances, due to which he became a victim of persecution, continue to exist in the country of his citizenship (former habitual residence), the validity of refugee status and registration with the interior organs of this person shall be extended by internal affairs agencies for another period of three years. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
10. In case a person is denied recognition as a refugee, internal affairs agencies within three working days from the day of taking this decision shall hand over or forward to this person, at the place of his residence, a notification mentioning the reasons of the denial and appeal procedure against the decision as well as explaining the person's legal status and that of his family. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
11. Internal affairs agencies shall inform the relevant organ of its irrevocable decision to deny the person refugee status and request to strike him off the register and issue him and his family members an exit visa of the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
12. A person who has received a notification of denial to grant him refugee status shall, in accordance with this law, be obliged to leave the Republic of Tajikistan together with his family members not later than one month from the day the notification of denial was received, unless he has other legal grounds to stay in the Republic of Tajikistan.

## **Article 12. Rights and Obligations of the Person Recognized as a Refugee**

1. A person, who has been recognized as a refugee, and his accompanying family members shall be entitled to:

- receive information about their rights and obligations as well as other information in accordance with this Law;
- reside in the Republic of Tajikistan for the period of their recognition as refugees in accordance with the list of settlements established by the Government of Tajikistan;
- choose a settlement for independent settling, provided by internal affairs agencies in accordance with an agreement on renting a living premises, on the basis of the refugee certificate; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- settle on his own in the family of a Tajik citizen or of a foreign citizen or stateless person permanently residing in the Republic of Tajikistan in accordance with the legislation of the Republic of Tajikistan;
- receive a referral letter from internal affairs agencies for temporary settlement in accordance with Provision on refugees' stay in the Republic of Tajikistan, approved by the Government of Tajikistan, if he is not able to settle on his own; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- participate in integration programs developed by internal affairs agencies; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- medical aid, job placement, journey-work or business undertakings in accordance with the enactments of the Republic of Tajikistan, unless otherwise is established;
- receiving primary and secondary education;
- assistance from internal affairs agencies in obtaining information about relatives residing in the country of his citizenship (former habitual residence); (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- request assistance from internal affairs agencies in arranging Tajikistan exit/entry travel documents for him and his family; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- receive at the local internal affairs agency a proper residence permit and other relevant documents;
- apply for permanent residence permit in the Republic of Tajikistan on the grounds not linking to refugee status or apply for the citizenship of the Republic of Tajikistan in accordance with the legislation of the Republic of Tajikistan;
- voluntarily return to the country of his citizenship (former habitual residence);
- depart to take a residence in another country;
- receive financial and other kinds of assistance in the manner defined by the Government of the Republic of Tajikistan;
- enjoy other rights stipulated in the legislation of the Republic of Tajikistan for foreign citizens and stateless persons permanently residing in the Republic of Tajikistan.

2. A person, who has been recognized as a refugee, and his accompanying family members shall be obliged to:

- observe the Constitution of the Republic of Tajikistan, this Law and other enactments of the Republic of Tajikistan;
- get registered with the local internal affairs agency not later than three working days after receiving the refugee certificate, when settling independently;
- depart, no later than three working days after receiving from internal affairs agency a referral letter to temporary settlement, for the indicated settlement, and upon arrival, within three working days, get registered with the local internal affairs agency; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- produce, no later than one working week, to internal affairs agencies and, if necessary, to the respective interior organ information about changes of name, surname, family composition, marital status, about acquiring the citizenship of the Republic of Tajikistan or other country, about obtaining the permanent residence permit in the Republic of Tajikistan; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- inform internal affairs agencies about the intention to change the place of residence within the Republic of Tajikistan or leave the Republic of Tajikistan;
- get struck off the register at internal affairs agencies upon change of place of residence and register at the local internal affairs agency within three working days after arrival in the new place; (Law of the Republic of Tajikistan as of 12.01.2010, #590).
- undergo yearly re-registration within the time-frame set by internal affairs agencies;
- fulfill other obligations stipulated in the legislation of the Republic of Tajikistan for foreign citizens and stateless persons permanently residing in the Republic of Tajikistan.

### **Article 13. Forfeiture and Deprivation of Refugee Status**

#### 1. Refugee status shall be forfeited if the person:

- has been granted the permanent residence permit in the Republic of Tajikistan;
- obtained the citizenship of the Republic of Tajikistan or of other country;
- left the Republic of Tajikistan for permanent residence;
- can not refuse from the protection of the country of his permanent residence because the circumstances that served as a ground to recognize him as a refugee have ceased to exist.

#### 2. Refugee status shall be deprived if the person:

- provided deliberately false information or produced faked documents that served grounds for his recognition as a refugee;
- poses a threat to the national security, fundamentals of the constitutional system, public order, health and moral of the population of the Republic of Tajikistan.

#### 3. Decision on the forfeiture or deprivation of refugee status shall be taken by the state migration organ upon representation of the state administration organs defined in this law.



4. Notification on the forfeiture or deprivation of refugee status, mentioning the ground for taking this decision and describing the appeal procedure against the decision shall be handed over or forwarded to the person by the state migration organ no later than three working days from taking the decision.
5. Internal affairs agencies shall inform the respective organ of its decision to forfeit or deprive a person of refugee status, and concurrently shall forward a request to strike the person off the register and draw up a visa for him and his family members to exit the Republic of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
6. In case of forfeiture or deprivation of refugee status, the refugee certificate shall be returned to internal affairs agencies and shall be considered void. (Law of the Republic of Tajikistan as of 12.01.2010, #590).
7. A person, whose refugee status has been forfeited or deprived due to the circumstances stipulated in parts one and two of this Article, and who does not exercise his right to appeal against this decision, shall, in accordance with this law, be obliged to leave the Republic of Tajikistan together with his family members no later than one month from receiving the notification about the forfeiture or deprivation of his refugee status, unless he has other legal grounds to stay in the Republic of Tajikistan.
8. A person, whose refugee status has been forfeited or deprived due to the circumstances stipulated in parts one and two of this Article, and his family members, shall, after the final decision has been made, lose the rights to use the living quarters provided by the local executive branches of the government for temporary accommodation. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

#### **Article 14. Guarantees of the Rights of Asylum-Seekers and Refugees**

1. Asylum-seekers applying for refugee status, recognized refugees forfeited or deprived of refugee status cannot be returned or refouled against their will to the territory of a state where their life and freedom would be threatened on account of his race, religion, citizenship, membership of a particular social group or political opinion.
2. The circumstances stipulated in part one of this Article shall not apply to refugees whom there are reasonable grounds for regarding as a danger to the security of the country in which they are, or who, having been convicted by a final judgement of a particularly serious crime, constitute a danger to the community of the country.
3. Information about persons applying for refugee status as well as those granted refugee status may not be provided to the authorities and public organizations of the country of their citizenship (of their previous residence) without their consent in writing.
4. Decisions and actions (inactions) of state bodies and officials pertaining to the implementation of this Law can be appealed in a higher organ and/or court of law.
5. Appeal to a higher organ or court of law shall be submitted no later than one month from the day of receiving written notification about denial to register an application for refugee status, about forfeiture or divestiture of refugee status. Complaint to a higher organ does not exclude submission of an appeal to a court of law. A person has the right to apply to a court of law, if, within one month, he has not received a reply in writing to his complaint to a higher organ.

6. Pending a decision on the complaint, the person who lodged the complaint and his family members enjoy the rights and comply with the obligations stipulated in this Law. At the same time, the temporary certificate of registration of refugee status application or refugee certificate shall be extended for a period of taking a decision by a higher organ or court of law. Concurrently, upon a written request of the state migration organ, an interior organ extends the validity of registration of the person and his residence permit.

7. A person who received a notification about denial to register his application for refugee status, denial to grant him refugee status, or about forfeiture or divestiture of refugee status in accordance with this Law and who has used the right to appeal the decision, is, in accordance with this Article, obliged to leave the Republic of Tajikistan together with his family members no later than one month from the day a notification of denial to his appeal was received unless he has other legal grounds to stay in the Republic of Tajikistan.

### **Article 15. Accommodation of Asylum-Seekers and Refugees**

1. Accommodation of asylum-seekers applying for refugee status, who are not able to get an accommodation on their own, shall be organized by local executive branches of the government in the location of the territorial internal affairs agency that registered the application. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

2. Points (centres) for temporary accommodation of refugees may be created in order to provide accommodation to persons applying for refugee status. Such points are established at the proposal of internal affairs agencies in coordination with relevant ministries and agencies on the basis of a decision of the Government of Tajikistan. (Law of the Republic of Tajikistan as of 12.01.2010, #590).

3. Accommodation of persons recognized as refugees and who are not able to settle on their own shall be carried out in accordance with a quota of receiving refugees which is yearly set by the Government of the Republic of Tajikistan for every oblast and district of the republic.

4. Living quarters for temporary settlement of persons recognized as refugees shall be provided by the chairmen of oblasts and districts in accordance with the established quota on a lease agreement concluded for the duration of their refugee status.

5. Decision on providing a person recognized as a refugee with leaving quarters for temporary settlement shall be taken by a territorial migration organ in the manner established in accordance with the provision on the stay of residence of refugees in the Republic of Tajikistan.

6. In case of a mass influx of asylum-seekers into the Republic of Tajikistan applying for refugee status on the grounds provided for in this Law, their settlement and living conditions shall be defined by the Government of the Republic of Tajikistan.

### **Article 16. Funding Relating to the Implementation of this Law**

Funding of expenses borne for the reception of and assistance to persons and their family members applying for refugee status as well as expenses pertaining to deportation from the Republic of Tajikistan of persons denied refugee status, forfeited or deprived of refugee status and their family members shall be carried out in the manner and amounts determined by the Government of the Republic of Tajikistan as well as due to inputs from international

organizations and other states on the basis of treaties (agreements) concluded by the Republic of Tajikistan and due to voluntary contributions from individual persons and legal entities.

#### **Article 17. International Cooperation on Refugee Problems**

With the purpose of addressing refugee problems, the Republic of Tajikistan cooperates with other states, the United Nations High Commissioner for Refugees and other international organizations.

#### **Article 18. Liability for the Violation of this Law**

Individual persons and legal entities guilty of violating this Law shall be held responsible in accordance with the legislation of the Republic of Tajikistan.

#### **Article 19. Invalidation of the Law of the Republic of Tajikistan “On Refugees”**

The Law of the Republic of Tajikistan “On Refugees” of July 20, 1994 (published in the Records of the Supreme Council of the Republic of Tajikistan, 1994, №15-16, Article 243; Bulletin of Majlisi Oli of the Republic of Tajikistan, of 1997, № 9, Article 117; of 2001, № 4, Article 182) shall be regarded as null and void.

President of the Republic of Tajikistan

E. Rahmonov

Dushanbe, 10 May 2002,

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### **RESOLUTION**

#### **OF MAJLISI MILLI MAJLISI OLI OF THE REPUBLIC OF TAJIKISTAN**

#### **on the Law of the Republic of Tajikistan on Refugees**

Considering the Law of the Republic of Tajikistan on Refugees, Majlisi Milli Majlisi Oli of the Republic of Tajikistan provides:

#### **Approve the Law of the Republic of Tajikistan on Refugees**

#### **Chairman of Majlisi Milli**

**Majlisi Oli of the Republic of Tajikistan**

**M. Ubaidulloev**

**Dushanbe, 23 April 2002**

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**RESOLUTION**  
**OF MAJLISI NAMOYANDAGON MAJLISI OLI OF**  
**THE REPUBLIC OF TAJIKISTAN**

**On adoption of the Law of the Republic of Tajikistan on Refugees and its enactment**

Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan provides:

1. Adopt the Law of the Republic of Tajikistan on Refugees
2. Put the current law into execution after its official publication.
3. To the Government of the Republic of Tajikistan:

- submit proposal to Majlisi Namoyandagon Majlisi Oli of the Republic of Tajikistan to bring the current legislation of the Republic of Tajikistan in line with the present law and adjust ones decisions in accordance with the Law of the Republic of Tajikistan on Refugees.

**Chairman of Majlisi Namoyandagon**  
**Majlisi Oli of the Republic of Tajikistan**

**S. Khairulloev**

**Dushanbe, 13 February 2002,**

**#533**

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Danish Refugee Council in Tajikistan  
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