

Temporary Regulation
on the Procedure of Interaction between
the Chief Department of the Border Control
Service of the Kyrgyz Republic National Security and Department of Migration Service
of the Ministry of Foreign Affairs of the Kyrgyz Republic on
Procedure of Reception of Asylum Seekers at the Border Checkpoints of the Kyrgyz
Republic

The basic purpose of the present Regulation is the practical maintenance of principles for the protection of rights of refugees and asylum seekers at the border checkpoints of the Kyrgyz Republic in accordance with international obligations of the Kyrgyz Republic under the 1951 Convention relating to the Status of Refugees and to the 1967 Protocol, relating to the Status of Refugees.

The present Regulation adjusts questions of interaction of Department of migration service of the Ministry for Foreign Affairs of Kyrgyz Republic (hereinafter DMS) and Chief Department of the Border Control Service of the Kyrgyz Republic National Security of (hereinafter BCS) according to their competence established by the legislation of the Kyrgyz Republic with regard to procedure of reception of asylum seekers at the border check points of the Kyrgyz Republic.

For the purposes of the present Regulation, the following terms are used:

asylum seeker – a foreign citizen or a stateless person, who arrived to the Kyrgyz Republic and filed an application for refugee status at the border check point of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic and obligations of Kyrgyzstan in accordance with the 1951 Convention relating to the status of the refugees;

border check point of the Kyrgyz Republic (check point) - territory within the limits of airports" Manas " and "Osh" established by government of Kyrgyz Republic, where border control of persons crossing Kyrgyz state border is carried out;

the border control – continuous operative actions of divisions of border control of BCS coordinated in terms of purpose, place and time on checking of the bases for the crossing the Kyrgyz Republic state border;

the application of the asylum seeker – verbally or written expressed will of the asylum seeker, which is outlined in the document filled out at the border check point and submitted to bodies of the border control of the Kyrgyz Republic;

applicant - the person who submitted an application for refugee status at the border check point.

BCS and DMS guarantee to provide observation of the international obligations of the Kyrgyz Republic, including respect of a principle of nonviolent return and the right for asylum.

In order to implement the given obligations BCS is obliged to provide the right to submit an application for asylum to any foreign citizen or stateless person. Any foreign citizen or stateless person, seeking asylum can submit his request to employee of the border control service at the border checkpoint.

Employee of BCS shall inform DMS about any reference of the foreign citizen or a stateless person and to forward the application with the enclosed materials to DMS.

DMS shall consider all applications, received from asylum seekers.

Should bodies of the border control receive an application for asylum in the Kyrgyz Republic at any stage of procedural actions, or should they find out motives of an offence admitted during investigation of circumstances of offence which fall within accepted definition of the refugee, in this case **BCS shall**:

- give an Applicant the form of Explanations in language understood by him in accordance with procedures of reception of refugees in the Kyrgyz Republic, provide necessary additional explanations;
- give an applicant the form of the application for refugee status in the Kyrgyz Republic and check the correctness of filling of the form;
- inform DMS within 24 hours about the application for refugee status in the Kyrgyz Republic and to forward application for asylum in the Kyrgyz Republic to DMS;
- provide employees of DMS and UNHCR with access to the procedure of consideration of the asylum seeker's application;
- make record of time of sending the application to DMS.

DMS shall within 24 hours:

- register the application, put the date of receipt of the application on the application form;
- conduct an interview with applicant;
- consider reasons and reliability of the information provided by applicant;
- in case of recognition of the application to be well-grounded issue the certificate on registration of the application for granting refugee status which is the legal basis for crossing the Kyrgyz border by asylum seeker. The certificate is not issued if an application is found manifestly unfounded;
- inform bodies of BCS, UNHCR representative and the applicant on results of consideration of the application.

In case of receipt of a big number of applications (more than 10 persons) - term of consideration of the application in DMS is prolonged till 72 hours from the moment of receipt.

If the applicant requested to provide him contact with UNHCR employees, this request shall be fulfilled within 24 hours.

Also, in case if applicant requests to provide him with a lawyer or the translator, the given request should be fulfilled within 24 hours. The applicant shall be explained that the lawyer or the translator are provided at his expense.

In case of recognition by DMS of the application to be well-grounded the applicant is guaranteed impunity according to the national legislation for illegal entrance and an opportunity of crossing the border without visa or without documents.

In case of recognition by DMS of the application to be unfounded, employee of BCS shall provide applicant an opportunity to contact UNHCR representative for the appeal of DMS decision. UNHCR shall make a decision within 24 hours.

For all this time the applicant shall be provided with an opportunity to be in place specialty allocated for these purposes - in a hall of transit passengers of the airport. He shall be guaranteed medical or social help in case of need at his expense of what he shall be duly informed in advance. At any stage of consideration of the application the applicant shall be given the opportunity to contact his relatives, of which right he shall be duly informed by employees of BCS or DMS.

Exchange of information between bodies of BCS and DMS is carried out via electronic and wire (telephone) liaison channels.

Exchange of information via electronic liaison channels is to be carried out by specially appointed operators - users of an interdepartmental network on control of entrance, stay and departure of foreign citizens in the Kyrgyz Republic within the framework of the Protocol on exchange of information on the authorized list of issues subject to an obligatory exchange.

Emergency mutual exchange of information is to be carried out by operative attendant of BCS by the phones of specially appointed employees determined by DMS for conducting urgent procedures on consideration of application of asylum seekers in the Kyrgyz Republic.

A. Kaipov,

The head of the Chief Department of Border Control Service of the Kyrgyz Republic National Security

2 September 2001

T. Turganbaev,

The head of Department of Migration Service of the Ministry of Foreign Affairs of the Kyrgyz Republic

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