



## **LAW OF THE KYRGYZ REPUBLIC**

of 25 March 2002 No. 44

### **On Refugees**

*(As amended by the Laws of the Kyrgyz Republic of 13 May 2006 No. 87, 17 March 2012 No. 15, 6 July 2016 No. 99, 20 July 2016 No. 125)*

The present Law shall establish the terms and grounds for granting, loss and revocation of refugee status, rights, duties and responsibilities of refugees and shall determine legal, economic and social guarantees for the protection of the rights of refugees in the Kyrgyz Republic.

The Kyrgyz Republic shall provide all refugees with equal legal status without any distinction on the grounds of sex, race, language, ethnicity, religious confession, age, political or other opinion, education, country of origin, property or other status, and other circumstances.

*(As amended by the Law of the Kyrgyz Republic of 17 March 2012 No. 15)*

#### **Section 1 General Provisions**

##### **Article 1. Definition of the term "refugee"**

**A refugee** is a person, who is not a national of the Kyrgyz Republic and is making a claim before the Kyrgyz Republic to be recognized as a refugee, who is outside of the country of his nationality or the place of his habitual residence due to well-founded fear of persecution for reasons of race, religion, nationality, political opinion, membership of a particular social group, as well as of real danger to be persecuted in armed and inter-ethnic conflicts and who is unable, or owing to such fear, is unwilling to avail himself of the protection of his country.

*(As amended by the Law of the Kyrgyz Republic of 17 March 2012 No. 15)*

##### **Article 2. Principle definitions of the present Law.**

**Place of temporary placement** is a place of stay of a person who have filed a refugee claim and of members of his family at the ports of entry through the state border of the Kyrgyz Republic.

**Application registration certificate** (hereinafter referred to as the Certificate) is an identification document of a person who have filed a refugee claim, and which shall constitute the ground for registration of this individual and members of his family with the bodies of internal affairs in accordance with the procedures established under the legislation of the Kyrgyz Republic.

**Refugee identity card** is an identification document of a person who is recognized as a refugee in the Kyrgyz Republic in accordance with the present Law, and which shall constitute the ground for registration of this individual and members of his family with the bodies of internal affairs in accordance with the procedures established under the legislation of the Kyrgyz Republic.

**Competent Authority** is a public governmental agency of the Kyrgyz Republic and its territorial offices implementing migration policy and coordinating refugee related activities.

**Family members of a person seeking asylum in the Kyrgyz Republic, or family members of a refugee (hereinafter referred to as the family members)** are a spouse, their minor children and his (her) other dependent relatives provided that they live together in the territory of the Kyrgyz Republic.

**Asylum-seeker** is a person who is not a national of the Kyrgyz Republic and who declares his will to be recognized as a refugee on the grounds provided for in Article 1 of the present Law.

*(As amended by the Laws of the Kyrgyz Republic of 13 May 2006 No. 87, 17 March 2012 No. 15, 20 July 2016 No. 125)*

### **Article 3. Legislation on refugees.**

In the Kyrgyz Republic, refugee issues shall be governed by the Constitution, the present Law and other normative legal acts, international treaties of the Kyrgyz Republic that have entered into force under the established legal procedure, and universally recognized principles and norms of international law.

Provisions of international human rights treaties have direct effect and priority over provisions of other international treaties.

*(As amended by the Law of the Kyrgyz Republic of 17 March 2012 No. 15)*

## **Section 2 Legal status of refugees and asylum-seekers**

### **Article 4. Application procedures for granting refugee status in the Kyrgyz Republic**

An asylum-seeker shall be provided with a real opportunity to submit such application.

To be recognized as a refugee in the Kyrgyz Republic on the grounds provided for in Article 1 of the present Law an asylum-seeker, upon arrival, shall personally or through his representative duly authorized for that purpose, submit an application at the place of his stay:

- at the ports of entry at the state border - to the bodies implementing immigration control;
- in the territory of the Kyrgyz Republic - to the Competent Authority.

Application for refugee status received by the bodies implementing immigration control at the ports of entry at the state border shall be forwarded within ten working days

upon receipt to the Competent Authority, which shall register the application and proceed with the refugee status determination procedure.

In the event of emergency mass influx of persons to the Kyrgyz Republic on the grounds provided for in Article 1 of the present Law, the registration of stated persons shall be undertaken immediately.

The applications for refugee status shall be accepted provided that an asylum-seeker and members of his family are in possession of personal identification documents. Applicants who are not in possession of personal identification documents shall provide documents stating the reasons for absence or provide explanations of absence of such.

An asylum-seeker shall be issued with an application registration certificate following the form established by the Government of the Kyrgyz Republic for the period of three months, which shall be renewed until the final decision on his claim is made, including the appeal stage.

Application registration certificate shall contain information about family members of an asylum-seeker staying with him.

The procedures for considering applications for refugee status shall be determined by the Government of the Kyrgyz Republic.

*(As amended by the Laws of the Kyrgyz Republic of 17 March 2012 No. 15, 20 July 2016 No. 125)*

#### **Article 5. Grounds for denying refugee status**

A person shall be denied a refugee status in the Kyrgyz Republic on the following grounds:

- if an asylum-seeker has no grounds provided for in Article 1 of the present Law;
- if there are serious grounds to suppose that he has committed a crime against peace, a war crime or a crime against humanity;
- if he has committed a serious or a particularly serious crime of non-political nature outside the Kyrgyz Republic prior to his admission to the Kyrgyz Republic as an asylum-seeker;
- if he has been guilty of acts contrary to the purposes and principles of the United Nations;
- if he is a citizen of a third country and is able to avail himself of its protection or has a right of lawful residence in the territory of a third country without any well-founded fear of persecution in this third country on the grounds provided for in Article 1 of the present Law;
- if he holds refugee status in another country or avails himself of effective international protection of any other country, or is able to return to this country and avail himself of its protection. A person who will be denied asylum in the Kyrgyz Republic on this ground shall be protected from return to the country where he has been subjected to persecution;
- if he has been earlier denied refugee status in the territory of the Kyrgyz Republic due to the absence of the circumstances provided for in Article 1 of the present Law, given that the situation in the country of his nationality or permanent residence has not changed since the date of the denial until the moment of the application.

#### **Article 6. Rights and obligations of an asylum-seeker**

An asylum-seeker and members of his family in the Kyrgyz Republic shall have the right to:

- move freely within the whole territory of the Kyrgyz Republic with the exception of areas restricted for visiting by aliens in accordance with the legislation of the Kyrgyz Republic;
- live in the place of temporary accommodation and use public utilities;
- use healthcare services;
- receive assistance from the Kyrgyz Republic in finding information about his relatives residing in the country of his nationality;
- voluntarily return to the country of his nationality;
- move to a foreign country for the purpose of residence;
- enjoy judicial protection;
- receive education;
- avail himself of the services of translator/interpreter;
- get exemption from fees incurred at all stages of consideration of the application for a refugee status.

An asylum-seeker and members of his family shall:

- comply with the legislation of the Kyrgyz Republic;
- communicate to the Competent Authority the information necessary for consideration of the stated application;
- comply with the established order of residence in the place of temporary accommodation;
- undergo medical examinations upon request of the healthcare bodies;
- cooperate with the Competent Authority in establishing credibility of the facts communicated in the application.

*(As amended by the Law of the Kyrgyz Republic of 13 May 2006 No. 87)*

#### **Article 7. The procedure of granting refugee status**

A decision on granting refugee status shall be made by the Competent Authority within six months from the day of the registration of an application for refugee status.

In case if identification of the person or establishment of the facts requiring verification have not been completed, the date of rendering final decision shall be postponed until the clarification of such, however, for the period of not longer than one year. In case of extension of the period for considering the claim, the application registration certificate shall be renewed accordingly for the necessary period, with provision of the documents explaining the reason and grounds for extension of the term for rendering the final decision.

From the moment the application for a refugee status in the Kyrgyz Republic is registered an asylum-seeker shall have the right to stay in the territory of the Kyrgyz Republic until a final decision on his application is rendered, including the appeal stage.

A person recognized as a refugee shall be issued a refugee identity card which shall constitute the ground for registration of a refugee with the bodies of internal affairs in accordance with the legislation of the Kyrgyz Republic.

A refugee identity card shall contain the information about his family members staying with him.

#### **Article 8. Granting refugee status to family members of a refugee (Principle of family unity)**

In case if a head of a household has been granted refugee status in the Kyrgyz Republic on the grounds provided for in Article 1 of the present Law, refugee status shall as well be extended to his/her spouse and their minor children, as well as to his other dependents provided that they live together.

Minor children, spouse and other dependents have the right for re-union with him (her) in the Kyrgyz Republic and to be granted refugee status.

#### **Article 9. The procedures of denying refugee status in the Kyrgyz Republic**

In the event of negative decision on a refugee claim, a copy of the decision shall be handed personally to the claimant within three days after the decision has been rendered, or a written notice stating the reasons for denial and explanation of the process of appealing the decision shall be forwarded to him.

A negative decision on a refugee claim can be appealed to a court as from the date of receipt of a copy of the decision in accordance with the procedures established by the legislation of the Kyrgyz Republic.

A negative decision on a refugee claim shall as well be forwarded to the relevant body of internal affairs for the purpose of arranging the exit of person who was denied a refugee status from the territory of the Kyrgyz Republic. In the event of appealing a negative decision, the actions of the internal affairs bodies concerning the arrangement of the person's exit from the territory of the Kyrgyz Republic shall be suspended until a final decision is rendered by a court.

A person, who received a notice on denial of refugee status and does not avail himself of the right to appeal the negative decision on the refugee claim, in accordance with the legislation of the Kyrgyz Republic, shall leave the territory of the Kyrgyz Republic with his family members within one month after receipt of a notice on denial, unless this person has other lawful grounds for stay in the territory of the Kyrgyz Republic.

#### **Article 10. Loss of a refugee status in the Kyrgyz Republic**

A refugee shall lose his status as refugee if he:

- has acquired nationality of the Kyrgyz Republic;
- has acquired nationality of a foreign country and has availed himself of the protection of the country of his new nationality;
- has voluntarily re-availed himself of the protection of the country of his nationality or the country of his former residence;
- has voluntarily left the Kyrgyz Republic for the purpose of permanent residence in the country of his origin;
- having lost his nationality, has voluntarily re-acquired it;
- can no longer continue to refuse to avail himself of the protection of the country of his nationality, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist.

A notice on loss of refugee status stating the reasons for rendering the decision and prescribing the order of appealing the decision shall be handed or forwarded to this person by the Competent Authority within three days after the decision is rendered.

A person, having lost refugee status on the grounds specified in paragraphs 3-7 of the part one of the present Article, and who does not avail himself of the right to appeal a decision on loss of the refugee status, in accordance with the legislation of the Kyrgyz Republic, shall leave the territory of the Kyrgyz Republic with his family members within one month after receipt of a loss of refugee status notice, unless this person has other lawful grounds for stay in the territory of the Kyrgyz Republic.

A decision on loss of the refugee status can be appealed to a court in accordance with the procedures established by the legislation. Upon a final decision on the loss of the refugee status is rendered, the refugee identity card shall be revoked.

#### **Article 11. Administrative expulsion from the territory of the Kyrgyz Republic**

Administrative expulsion outside the Kyrgyz Republic of the persons, having lost their refugee status, and persons, having received a denial of granting refugee status in the territory of the Kyrgyz Republic, shall be implemented in accordance with the procedures established under the legislation of the Kyrgyz Republic.

A person, having received a denial of granting refugee status in the territory of the Kyrgyz Republic, or a notice on the loss of refugee status shall not, under any circumstances, be expelled to a country where his life and freedom would be threatened, or a country where he might become subjected to torture or inhuman treatment.

Activities on administrative expulsion of persons referred to in the first part of the present Article shall be implemented by the competent authorities of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

Financial expenses arising out of the administrative expulsion outside the Kyrgyz Republic of persons referred to in the first part of the present Article shall be covered in accordance with the legislation of the Kyrgyz Republic.

*(As amended by the Law of the Kyrgyz Republic of 17 March 2012 No. 15)*

#### **Article 12. Guarantees of the rights of a refugee**

A refugee shall not be returned against his will to the country which he fled from due to the reasons provided for in Article 1 of the present Law.

This provision shall not apply to a refugee who is regarded as a danger to the security pursuant to reasonable grounds or who has been convicted by a final judgement of a particularly serious crime.

Decisions and actions of public and administrative authorities, local government authorities and officials infringing upon the rights of a refugee, established under the legislation of the Kyrgyz Republic, can be appealed to the relevant governmental authorities or to a court.

An asylum-seeker, who comes from a territory of the country where his life and freedom were endangered, shall not be subjected to a penalty on account of his illegal entry and stay in the territory of the Kyrgyz Republic, provided that he will appear before the relevant authorities without delay and present adequate reasons of his illegal entry or stay.

#### **Article 13. Rights and duties of a refugee in the Kyrgyz Republic**

A person recognized as a refugee in the Kyrgyz Republic shall enjoy the same rights and bear the same responsibilities as those of aliens in the Kyrgyz Republic.

A person recognized as a refugee in the Kyrgyz Republic shall as well be accorded the rights and responsibilities of an asylum-seeker, established by Article 6 of the present Law.

A person recognized as a refugee in the Kyrgyz Republic and his family members shall have the right:

- to live at a place of temporary accommodation for a period of three months;
- to choose a place of permanent residence out of a number of the populated areas suggested by the Competent Authority, where his relatives reside provided that they agree to a common residence;
- to be employed or engage in entrepreneurial activities in accordance with the legislation of the Kyrgyz Republic;
- to acquire immovable property on the terms established for aliens and stateless persons by the legislation of the Kyrgyz Republic;
- to receive assistance of the relevant public authorities of the Kyrgyz Republic in finding information on the property left in the country of a former residence;
- to have necessary identity documents and travel documents;
- to receive administrative assistance when applying to the public authorities of the Kyrgyz Republic;
- for a compulsory registration of acts of civil status and to receive relevant documents.

A person recognized as a refugee and his family members who have arrived with him shall:

- notify the competent authority within seven days about the changes of last name, first name, family composition, marital status, acquisition of nationality of the Kyrgyz Republic or another foreign state, or equally about acquisition of a permanent residence permit in the Kyrgyz Republic.
- notify about the intent to change the place of stay in the territory of the Kyrgyz Republic or to leave the territory of the Kyrgyz Republic for the purpose of residence;
- undergo annual registration in accordance with the time-frames established by the competent authority;
- de-register with the competent agency upon the change of residence, and to register with the competent agency within seven days as of the date of arrival to the new place of stay. Registration of a person recognized as a refugee with the competent agency shall constitute the ground for registration of the person and his family members in the competent agency at a new place of stay.

A person recognized as a refugee in the Kyrgyz Republic shall comply with the legislation of the Kyrgyz Republic and respect the traditions and customs of the peoples in the Kyrgyz Republic.

*(As amended by the Law of the Kyrgyz Republic of 13 May 2006 No. 87)*

#### **Article 14. Accommodation of refugees and asylum-seekers in the territory of the Kyrgyz Republic**

Accommodation of refugees and asylum-seekers in the Kyrgyz Republic near the state border shall be implemented upon agreement with the concerned public authorities of the Kyrgyz Republic in accordance with the legislation of the Kyrgyz Republic.

#### **Article 15. Acquisition of the nationality of the Kyrgyz Republic by a refugee**

Acquisition of the citizenship of the Kyrgyz Republic by a refugee shall be implemented in accordance with the legislation of the Kyrgyz Republic on citizenship.

### **Section 3 Final provisions**

#### **Article 16. Responsibilities of officials of the public and local authorities with regard to refugees**

Appropriate public and local authorities according to their mandate and officials shall:

- provide information to a refugee about the terms of residence and employment opportunities in the populated areas suggested by the Competent Authority for permanent residence;
- provide assistance in placing children of a refugee in preschool and general education institutions;
- assist elderly unaccompanied refugees and refugees with disabilities in need of nursing care to get beds in the institutions of social protection of the population;
- facilitate, at the request of a refugee, his return to the country of his nationality or permanent residence or exit to another country, which granted him such right.

In the activities on assisting persons recognized as refugees and members of their families, public and local authorities and officials shall interact with public associations and other organizations, ensure the implementation of rights and legitimate interests of public associations dealing with refugee issues.

*(As revised by the Law of 6 July 2016 N 99)*

#### **Article 17. Liability for violation of the present Law**

Officials of public and local authorities, legal entities and individuals shall be held accountable for non-compliance with or violation of the provisions of the present Law in accordance with the legislation of the Kyrgyz Republic.

#### **Article 18. International cooperation to protect refugees' rights**

The Kyrgyz Republic undertakes to cooperate on refugee issues with the Office of the United Nations High Commissioner for Refugees and other international organizations.

The order of interaction between the Kyrgyz Republic and international organizations on refugee issues in the Kyrgyz Republic shall be determined by the concluded international treaties and agreements.

#### **Article 19. On the procedures of enactment of the present Law**

The present Law shall take the effect from the day of its publication.

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The Government of the Kyrgyz Republic shall bring its normative and legislative acts in consistency with the present Law.

**The President  
of the Kyrgyz Republic**

**A. Akaev**