

LAW OF TURKMENISTAN ON THE LEGAL STATUS OF ALIENS IN TURKMENISTAN

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I. General Provisions

Article 1

Aliens in Turkmenistan

Persons who are not citizens of Turkmenistan and who have proof of their citizenship in a foreign state are considered aliens in Turkmenistan.

In accordance with the Constitution of Turkmenistan, aliens in Turkmenistan shall be guaranteed the rights and freedoms provided for by legislation.

Article 2

Legislation on the Legal Status of Aliens in Turkmenistan

The legislation of Turkmenistan on the legal status of aliens in Turkmenistan includes the present Law and other legislative acts of Turkmenistan determining, in accordance with the Constitution of Turkmenistan, the legal status of aliens in Turkmenistan.

The legal status of aliens in Turkmenistan may also be determined by the international treaties ratified by Turkmenistan.

Article 3

Principles of the Legal Status of Aliens in Turkmenistan

Aliens in Turkmenistan enjoy the same rights and freedoms and owe the same duties as citizens of Turkmenistan unless the Constitution of Turkmenistan, the present Law and other legislative acts of Turkmenistan provide otherwise.

Aliens in Turkmenistan are equal before the law irrespective of origin, social and property status, race and ethnicity, sex, education, language, religion, occupational and other circumstances.

In regard to citizens of those states where there are special restrictions of rights and freedoms of citizens of Turkmenistan, the President of Turkmenistan may establish reciprocal restrictions.

Realization by aliens in Turkmenistan of their rights and freedoms must not be detrimental to the interests of the society and state, the rights and legitimate interests of citizens of Turkmenistan and of other persons.

Article 4

Responsibility to Respect the Constitution of Turkmenistan and to Observe Law of Turkmenistan

Realization of rights and freedoms granted to aliens in Turkmenistan is inseparable from performance of their duties established by the legislation of Turkmenistan.

Aliens in Turkmenistan are obliged to observe the Constitution of Turkmenistan and laws of Turkmenistan, to respect traditions and customs of people of Turkmenistan.

Article 5

Aliens Permanently and Temporarily Residing in Turkmenistan

Aliens may permanently reside in Turkmenistan provided they have a permission and residence permit issued in the established manner by the internal affairs bodies. The procedure for the issuance of residence permits shall be determined by the Ministry of Interior of Turkmenistan upon agreement with the National Security Committee of Turkmenistan.

Aliens staying in Turkmenistan on other lawful grounds are qualified as temporary residents in Turkmenistan. They are obliged to register their international passports or equivalent documents in the established manner and to leave Turkmenistan upon expiration of the term of stay established for them.

Article 6

Granting of Asylum

Turkmenistan shall grant the right to asylum to aliens persecuted in their countries for political, national and religious beliefs.

Granting asylum is up to President of Turkmenistan.

II. Fundamental rights, freedoms and duties of aliens in Turkmenistan.

Article 7

Labor Activity

Aliens permanently residing in Turkmenistan may work as workers, employees at enterprises, institutions and organizations or they may be engaged in other labor activity on the grounds and in the manner established for citizens of Turkmenistan. Aliens temporarily staying in Turkmenistan may be engaged in labor activity in Turkmenistan if it is compatible with the purposes of their stay in Turkmenistan and their labor activity does not contradict the legislation of Turkmenistan.

Aliens may not be appointed to certain posts or be engaged in certain labor activity if under the legislation of Turkmenistan only citizens of Turkmenistan may be appointed to these posts or be engaged in such activity.

In labor relations, aliens enjoy the rights and owe the duties equally with citizens of Turkmenistan.

Article 8

Rest

Aliens in Turkmenistan have the same right to rest as citizens of Turkmenistan.

Article 9

Health care

Aliens in Turkmenistan have the rights to health care.

Aliens use health care institutions and medical service on the grounds and in the manner established by the legislation of Turkmenistan.

Article 10

Social Security

Aliens permanently residing in Turkmenistan have the right to allowances, pensions and other social benefits on the grounds and in the manner established by the legislation and interstate agreements of Turkmenistan.

Article 11

Housing

Aliens permanently residing in Turkmenistan have the right to housing in accordance with the housing legislation of Turkmenistan.

Article 12

Property and Personal Non-Property Rights

In accordance with the legislation of Turkmenistan aliens may have their own house and other property in Turkmenistan; they may inherit and bequeath property; they may have copy rights to the work of science, literature and art, discovery, invention, rationalization proposal (innovation)¹, production prototype as well as other property and personal non-property rights.

Article 13

Education

Aliens have the right to education equally with citizens of Turkmenistan in accordance with the procedure established by the legislation of Turkmenistan.

Aliens admitted to educational institutions of Turkmenistan have the rights and owe duties in accordance with the laws of Turkmenistan and agreements of Turkmenistan with the states of which they are citizens.

Article 14

Cultural Achievements

¹ Two variants of translation are possible (translator's remark).

Aliens in Turkmenistan have the right to enjoy cultural achievements equally with citizens of Turkmenistan.

Aliens in Turkmenistan are obliged to care for historic and cultural monuments as well as for other cultural values.

Article 15

Public Associations

Aliens permanently residing in Turkmenistan have the right to join public associations if their statutes provide for that. The membership of aliens in public associations is governed by the Law of Turkmenistan "On Public Associations in Turkmenistan".

Article 16

Freedom of Religion and Conscience

Aliens in Turkmenistan equally with citizens of Turkmenistan are guaranteed the freedom of religion and conscience.

Instigation of hostility and hatred in connection with religious beliefs is prohibited.

Article 17

Marital and Family Relations

Aliens in Turkmenistan may contract and dissolve marriages with citizens of Turkmenistan and between themselves in accordance with the legislation of Turkmenistan.

Aliens in Turkmenistan enjoy the rights and bear responsibilities in marital and family relations equally with citizens of Turkmenistan.

Article 18

Personal and Home Immunity

In accordance with the legislation of Turkmenistan, aliens in Turkmenistan are guaranteed the personal and home immunity.

Article 19

Movement within the Territory of Turkmenistan and Choice of Place of Residence

Aliens may move within the territory of Turkmenistan and choose a place of residence in accordance with the procedure established by the legislation of Turkmenistan. Restrictions on movement and on place of residence are allowed when it is necessary for the reasons of national security, protection of public order, health and morality of population, protection of rights and legitimate interests of citizens of Turkmenistan and of other persons residing on the territory of Turkmenistan.

Article 20

Taxes and Levies

Aliens in Turkmenistan are subjected to taxes and levies equally with citizens of Turkmenistan unless the legislation of Turkmenistan provides otherwise.

Article 21

Protection of the Rights of Aliens

Aliens in Turkmenistan have the right to apply to a court and other state bodies as well as to diplomatic and consular missions of their countries for the protection of their personal, property and other rights.

In a court aliens enjoy the legal procedure rights equally with citizens of Turkmenistan.

Article 22

Suffrage

Aliens in Turkmenistan may not elect and be elected to the elective state bodies as well as participate in all-nation voting (referendum).

Article 23

Military Service

Aliens are not obliged to serve in national military forces of Turkmenistan.

III. Entry into Turkmenistan and Exit from Turkmenistan

Article 24

Entry into Turkmenistan

Aliens may enter Turkmenistan with valid international passport or equivalent (substitutional) document if they have a permission issued by competent bodies of Turkmenistan unless the legislation of Turkmenistan, international treaties and agreements provide other procedures for entry of aliens.

Aliens with a title of "Honorable Citizen of Turkmenistan" may enter Turkmenistan with an identity card certifying the title "Honorable Citizen of Turkmenistan" and with valid international passports or equivalent (substitutional) documents without a permission issued by competent bodies of Turkmenistan.

An alien may be denied entry into Turkmenistan by the Ministry of Foreign Affairs of Turkmenistan and by the Ministry of Interior of Turkmenistan as well as upon demand of the National Security Committee of Turkmenistan, and where necessary - upon agreement with other state authorities concerned:

- 1) in the interests of national security or protection of public order;
- 2) if it is necessary for the protection of rights and legitimate interests of citizens of Turkmenistan and of other persons;

- 3) if during the previous stay in Turkmenistan it was established that he/she violated the law of the legal status of aliens in Turkmenistan, the customs and foreign exchange (currency) laws as well as if he/she was engaged in propaganda activity that contradicts the interests of Turkmenistan;
- 4) if applying for entry he/she submitted false personal information or failed to submit necessary documents;
- 5) on other grounds, established by the legislation of Turkmenistan.

Article 25

Exit from Turkmenistan

Aliens exit from Turkmenistan with valid international passports or equivalent (substitutional) documents if they have a permission issued by the competent bodies of Turkmenistan.

Aliens with a title of "Honorable Citizen of Turkmenistan" may exit from Turkmenistan with an identity card certifying the title of "Honorable Citizen of Turkmenistan" and with valid international passports or equivalent (substitutional) documents without a permission issued by the competent bodies of Turkmenistan.

An alien is not allowed to exit from Turkmenistan by the Ministry of Foreign Affairs of Turkmenistan and by the Ministry of Interior of Turkmenistan as well as upon demand of the National Security Committee of Turkmenistan, and where necessary - upon agreement with other state authorities concerned:

- 1) if there are grounds to institute criminal proceeding against him/her - until the termination of the case;
- 2) if he/she has been convicted of committing a crime - until the sentence has been served or lifted;
- 3) if his/her departure contradicts the interests of national security - until the circumstances preventing his departure cease to exist;
- 4) if there other circumstances established by the legislation of Turkmenistan and that prevent his/her departure.

Departure of an alien from Turkmenistan may be postponed until he/she fulfills property liabilities related to substantial interests of citizens of Turkmenistan and of other persons, state, co-operative or other public organizations.

Article 26

Transit Movement

Aliens who transit via the territory of Turkmenistan observe the rules for transit to the border point of exit from Turkmenistan and follow the established route, and they may stay on the territory of Turkmenistan if they have a permission issued by the competent bodies of Turkmenistan.

Aliens with a title of "Honorable Citizen of Turkmenistan" who transit via Turkmenistan may stay on the territory of Turkmenistan without a permission issued by the competent bodies of Turkmenistan.

Article 27

Rules for Entry into Turkmenistan, Exit from Turkmenistan and Transit via Turkmenistan

Rules regulating entry of aliens into Turkmenistan, their exit from Turkmenistan and transit via the territory of Turkmenistan are established by the present Law and other legislative acts of Turkmenistan.

IV. Legal Liability of Aliens, Reduction of the Term of Stay, Deportation

Article 28

Grounds for Legal Liability for Offenses

Aliens who have committed a crime, administrative or other offenses on the territory of Turkmenistan are subjected to legal liability equally with citizens of Turkmenistan and in accordance with the legislation of Turkmenistan.

Article 29

Legal Liability for the Violation of the Rules for Stay in Turkmenistan and for Transit via the Territory of Turkmenistan

For violation by aliens of the rules for stay in Turkmenistan, i.e. residence in Turkmenistan without documents permitting it, or residence with invalid documents, failure to observe the established procedure for registration or residence permit, or movement and choice of place of residence, failure to leave upon expiration of the term of stay established for them (aliens) as well as failure to observe the rules for transit via territory of Turkmenistan, they (aliens) may be subjected to administrative measures, up to deportation from Turkmenistan, as well as to restriction of entry into Turkmenistan within a year from the date of violation.

Penalties are imposed by the internal affairs bodies.

Serious violation by aliens of the rules for stay in Turkmenistan and for transit entail criminal liability.

Article 30

Reduction of the Term of Stay in Turkmenistan

Term of stay established for an alien may be reduced if he/she violates the laws on the legal status of aliens in Turkmenistan.

Term of stay of an alien in Turkmenistan may be also reduced if the grounds for his/her further stay have ceased to exist.

Decision on the reduction of the term of stay is taken by the internal affairs bodies.

Article 31

Deportation from Turkmenistan

An alien may be deported from Turkmenistan:

- 1) if his/her actions contradict the interests of national security or protection of public order;
- 2) if it is necessary for the protection of health and morality of population, of rights and legitimate interests of citizens of Turkmenistan and of other persons;
- 3) if he/she has flagrantly violated the laws on the legal status of aliens in Turkmenistan, on the customs, on foreign exchange or other laws of Turkmenistan.

Decision on deportation from Turkmenistan is taken by the internal affairs bodies. An alien is obliged to leave Turkmenistan within the period indicated in the decision. Those who fail to leave in such cases is subjected, upon the prosecutor's sanction, to detention and forcible deportation. The detention is allowed for the period necessary for the deportation.

V. Final Provisions

Article 32

Stateless Persons

Provisions of the present Law apply to stateless persons in Turkmenistan unless the legislation of Turkmenistan provides otherwise.

Article 33

Privileges and Immunities of Heads and Officers of Missions of Foreign States and of Other Persons

Provisions of the present Law do not apply to heads and officers of foreign diplomatic and consular missions as well as to other persons who are entitled to privileges and immunities established by the legislation of Turkmenistan and international treaties of Turkmenistan.