

DECREE OF THE PRESIDENT OF TURKMENISTAN

On improvement of the order of entry, exit and stay of foreign citizens in Turkmenistan

For the purpose of further improvement of entry, exit and stay of foreign citizens in Turkmenistan, registration of foreign citizens and stateless persons domiciliary and strengthening of control over their compliance with current legislation of Turkmenistan
I decree:

1. To approve the attached documents:

- Decree on the order of entry, exit and stay of foreign citizens in Turkmenistan;
- Decree on the order of invitation of foreign citizens for temporary employment in Turkmenistan;
- Decree on the order of levying of Turkmenistan consulate fees.

2. For the purpose of increase of responsibility for violation of the order of entry, exit and stay of foreign citizens in Turkmenistan to establish that:

a) a violation by foreign citizens and stateless persons of the Regulations approved hereby as well as other statutory legal acts regulating the order of entry, exit and stay of foreign citizens in Turkmenistan shall entail either a fine at the rate of 10 to 20 minimal salaries or deportation from Turkmenistan with subsequent restriction of entry into Turkmenistan for the period up to 5 years;

b) a violation by officials of enterprises, institutions and organizations of all forms of ownership hosting foreign citizens and stateless persons in Turkmenistan of the established order of their registration, processing of their visas and their extension, processing of their documents to stay, travel documents as well as documents for a change of place of residence in Turkmenistan shall entail a fine of 10 to 20 minimal salaries;

c) failure by citizens, who has invited foreign citizens or stateless persons to Turkmenistan for private matters to timely register them, or take measures for their exit from Turkmenistan upon expiration of the term of their entry visas as well as provision of residence, means of transportation, and provision of other services in violation of the established rules shall entail a fine at the rate of 10 to 20 minimal salaries.

3. To consider the following documents to lose validity:

- Regulations on the order of entry, exit and stay of foreign citizens in Turkmenistan, approved by the President of Turkmenistan on Rukhnama (September) 9, 1999 number 4348 “On improvement of the order of entry, exit and stay of foreign citizens on the territory of Turkmenistan” (Collection of acts of the President of Turkmenistan and resolutions of the Government of Turkmenistan, 1999, Number 9, page 473);
- Decree of the President of Turkmenistan dated Bitaraplyk (December) 30, 2002 number 6041 “On approval of the Regulations on levying of consulate fees in Turkmenistan”.

4. For the Ministry of Justice of Turkmenistan in association with the Ministry of Interior of Turkmenistan to prepare and submit within a week to the Cabinet of Ministers of Turkmenistan in the established order proposals on introduction of adjustments and amendments to the current legislation of Turkmenistan effluent from this decree.

President of Turkmenistan

City of Ashgabat, Baydag (February) 21, 2003
Number 6135

Saparmurat Turkmenbashi

Approved
by Decree of the President of Turkmenistan
dated Baydag (February) 21, 2003,
number 6135

REGULATIONS
on the order of invitation of foreign citizens for
temporary employment in Turkmenistan

I. General Provisions

1. These Regulations shall designate the conditions and order of issuing of work permits for temporary employment of foreign citizens in Turkmenistan and extension of the term of their validity.

2. Invitation of foreign citizens for temporary employment in Turkmenistan shall be carried out by the enterprises of Turkmenistan of all forms of ownership, enterprises of foreign countries, located on the territory of Turkmenistan as well as their affiliates and representative offices and natural persons of Turkmenistan, who engage employees (hereinafter the Employer) in accordance with current legislation of Turkmenistan.

3. A decision to grant or deny a work permit for temporary employment in Turkmenistan and for extension of the term of their validity shall be made by the Committee for control over the observance of the order of invitation for temporary employment of foreign citizens (hereinafter the Committee). The members of the Committee shall be approved by the President of Turkmenistan.

On the basis of the decisions of the Committee the State service of Turkmenistan for registration of foreign citizens shall issue: to the employer – a permit for invitation and temporary employment of foreign citizens (Attachment 1) and to the foreign employee – a confirmation of the right of employment in Turkmenistan (Attachment 2) which then shall be signed by the Head of the Service.

4. The main task of the Committee is to consider the submitted documents and make decisions on their basis as to issue of permits for employers to temporarily employ foreign citizens and to provide control over observance of labor legislation.

Foreign citizens, who arrive to Turkmenistan for the purpose of engagement in their professional activity including entrepreneurs operating without formation of a legal entity and on the basis of registration documents shall have the right to work in Turkmenistan on the basis of permits issued to the employer on the condition that they hold confirmations issued in their name.

Employers and foreign citizens at the time of receiving a permit and a confirmation shall enter into a written document of obligation to observe the conditions established for the order of stay of foreign citizens in Turkmenistan as well as their compliance with the relevant local laws.

5. The State service of Turkmenistan for registration of foreign citizens at the time of issuing registrations shall follow the principle of priority employment of the citizens of Turkmenistan on the vacant jobs as well as keep the ratio of the citizens of

Turkmenistan and foreign citizens provided that the latter shall not exceed 30 percent of the total number of employees.

The conditions, salaries and protection of labor as well as their social security shall be carried out on the basis of the norms of the legislation of Turkmenistan and relevant international treaties.

II. Conditions and order of issuing work permits

6. The decisions on issuing work permits for temporary employment of foreign citizens in Turkmenistan and extension of their term shall be made on the basis of the documents, provided in the Paragraph 7 of these Regulations. The term of consideration of documents is 30 days starting with the day of their submission by the employer.

In case if additional information is required to make the decision or if a verification is required then the decision shall be made within 15 days upon receipt of the additional information.

7. In order to obtain a permit or extend its term the employer shall have to submit the following documents to the State service of Turkmenistan for registration of foreign citizens:

- an application indicating the grounds for expediency of invitation of the foreign employees to Turkmenistan;
- the list of employees in the established form (Application 3);
- copies of by-laws of the employer or patent;
- for the legal entities – a copy of an extract from the Unified state registry of legal entities, confirmed by the Service of state registration of legal entities of the State service of foreign investments at the President of Turkmenistan;
- a note from the authorities of the Chief state tax service of Turkmenistan indicating absence of indebtedness on taxes and dues;
- a copy of a contract, protocol of intentions, labor agreement or a contract with foreign legal or physical entities on intentions and conditions of employment of foreign citizens registered in the established order indicating the nature and specifics of works to be carried out;
- a copy of document indicating education and specialty of the foreign citizen corresponding to the position and nature of work which he is being offered;
- a form filled out by the foreign citizen with his photo 3 x 4 cm;
- a bank letter confirming the payment of the established permit processing fee (to be paid at the time of issuing of the permit);
- a certificate of medical examination for detection of human immunodeficiency virus (HIV-infection) – in case if foreign citizens are being invited for a period exceeding 3 months.

In case if a foreign citizen is invited on a position of the manager of the enterprise (construction project), department, division, workshop, etc. then the application shall be accompanied by documents confirming the positions the person held for the last 5 years.

8. The employer shall be charged a processing fee for issuing of a permit and extending its term for every employee in the amount equal to the average salary for Turkmenistan of such employee. The above mentioned fee shall be transferred to the State fund for development of the Golden Age of Turkmenistan.

9. A decision to deny a permit for invitation of foreign citizens for employment in Turkmenistan or extension of their term shall be well-grounded.

The decision to deny a permit shall be sent to the employer within 5 days upon its passing.

In case if employer disagrees with the decision to deny a permit it can be appealed in a kazeeyet (in a court of law) in the order established by the legislation of Turkmenistan.

Resubmission of documents shall be done not earlier than 6 months before the decision to deny the permit for employment in Turkmenistan for a foreign citizen was passed. In exclusive cases the Committee may consider the documents without this waiting period.

10. The issuing of the permit can be denied:

- if the foreign employee is invited for a position which does not require high qualification, professional training or special skills;
- if the employer invites workforce to carry out the types of activities not indicated in its by-laws;
- if the number of persons invited for employment in Turkmenistan exceeds the established quota.

11. The permit shall be issued for the period up to 6 months. Extension of its term shall be carried out upon approval of the parties and resubmission of the documents by the employer listed in the Paragraph 7 of these Regulations a month before the expiration of the term of the previous permit. A permit can be extended for the period not exceeding 6 months.

If the employer submits the documents for a permit for invitation of foreign citizens for employment or for extension of the term of their permit with a violation of the provisions of the Paragraph 7 of these Regulations or of the established terms then such application shall not be accepted.

Invitation of foreign citizens for temporary employment by the ministries and institutions of Turkmenistan shall be carried out with a permission of the Cabinet of Ministers of Turkmenistan.

Confirmations of permit shall be issued for the term indicated in the employer's permit. Extension of the term of confirmation shall be carried out in the order designated by this Paragraph.

12. Permit is non-transferable to other employers. A transfer of a foreign citizen temporarily employed in Turkmenistan from one enterprise to another shall be carried out with a permission of the State service of Turkmenistan for registration of foreign citizens.

13. In case of violation of conditions of these Regulations by employers or violation of the legislation of Turkmenistan which would cause infringement of the rights of the citizens of Turkmenistan the State service of Turkmenistan for registration of foreign citizens shall pass a decision to suspend the permit until such violations are eliminated.

If such violations are not eliminated within the time period specified the permit shall be cancelled with the decision of the Committee.

The employers shall bare the responsibility for violation of the order of invitation for temporary employment as well as the rules of stay in Turkmenistan for foreign citizens in accordance with the legislation of Turkmenistan.

The permit may be cancelled without notice to the employer in case of his action or a failure to act which results in a threat of death of people or of damage to their health.

In all cases of suspension or cancellation of permits the processing fee shall not be refunded.

14. In case of termination of operation by the employer or if downsizing was carried out such permit becomes invalid regardless of its term.

Foreign citizens arriving to Turkmenistan for the purpose of engaging in their professional activities or the ones employed with a violation of the requirements of these Regulations are subject to deportation from Turkmenistan at the expense of the employer.

III. Labor Relations

16. The term of labor activities of the foreign citizen shall not exceed the term of permit and its confirmation.

17. Foreign citizens shall have the same rights and obligations as the citizens of Turkmenistan in respect of their labor relations.

18. The order of work of a foreign citizen in Turkmenistan shall be designated by the conditions of his contract (labor agreement, agreement) entered into by the employer and a foreign citizen in accordance with the legislation of Turkmenistan.

19. Contract (labor agreement, agreement) shall contain:

- primary data on employer and employee;
- the subject of contract and its term;
- payment, work day and rest conditions;
- life, health and work accident insurance provisions;
- provisions for fulfillment of obligations and responsibilities of the parties;
- ways to resolve labor disputes.

Other conditions of the contract as decided by the parties.

20. The Employers who have obtained permits for invitation of foreign citizens to Turkmenistan shall submit the information about contracts which they have entered into with them to the State service of Turkmenistan on registration of foreign citizens within 2 weeks.

IV. Final Provisions

21. Registration of foreign citizens temporarily employed in Turkmenistan, verification of legality of their employment and observance of labor relations shall be implemented by the State service of Turkmenistan on registration of foreign citizens, which shall subsequently inform the Ministry of foreign affairs of Turkmenistan, Ministry of economy and finance of Turkmenistan and the National institute of state statistics and information of Turkmenistan regarding professional composition and qualification breakdown of such workforce including information on specific employers.

22. The obligatory order of issuing work permits and confirmations established by these Regulations shall not apply to foreign citizens, who are:

- officially recognized refugees;
- persons, holding a Turkmenistan residential permit;
- persons, who has submitted an application for a status of a refugee and who was granted a permit for temporary residence;
- employees of diplomatic representatives and consular offices of foreign states as well as international organizations, accredited in Turkmenistan;
- official representatives of international, humanitarian and charitable organizations and scientific, educational and cultural workers, working in Turkmenistan in the institutions established in accordance with international treaties;
- correspondents and journalists accredited in Turkmenistan;
- religious figures, professionally engaged in religious organizations and societies, officially registered in Turkmenistan;
- lecturers and instructors, invited by the ministries and institutions of Turkmenistan in coordination with the Cabinet of Ministers of Turkmenistan to give lectures;
- foreign citizens arriving to Turkmenistan on private and business visas;
- persons, for whom a different order of employment was designated in accordance with the international treaties.

**TO RECEIVE PERMISSION FOR INVITING
AND EMPLOYING FOREIGN CITIZENS
FOR TEMPORARY WORK AND EXTENSION OF ITS TERM
THE EMPLOYER MUST SUBMIT THE FOLLOWING
DOCUMENTS TO THE STATE SERVICE OF TURKMENISTAN FOR
REGISTRATION OF FOREIGN CITIZENS:**

1. The application to the Head of the State Service of Turkmenistan for Registration of Foreign Citizens with the reasons for expediency of invitation and indicating the place of work of the person.
2. A report on the working citizens of Turkmenistan, foreign citizens and their ratio (in accordance with the attachments A; B; C) (with the digital copy of the data if the number of the employees exceeds 10 persons).
3. The copy of the list of the staff members.
4. The copy of the document regarding employment of foreign citizen, and (for an extension) the copy of the previous permission or confirmation.
5. Curriculum vitae of the citizen with his photo (3x4 cm).
6. The certificate of the AIDS test (upon his arrival to Turkmenistan) if the term of the foreign citizen's stay exceeds 3 months.
7. For legal entities – the copies of the constituent documents (statute, extract from the Joint State Register of Legal Entities, certificate of the State Registration and copies of these certificates).
8. The reference from the Chief State Tax Service of Turkmenistan regarding absence of arrearage on taxes and duties.
9. Copies of agreements, of the protocol of intentions, labor agreement or contract with foreign, legal entities or natural persons regarding intention and conditions of attracting of foreign citizens, registered in the established order, indicating the nature and details of the work to be implemented.
10. The reference confirming the legal address.
11. The copy of the document about educational background and profession of the foreign citizen, appropriate to the profession and the nature of the work for which he is invited. The copies of the documents, confirming the positions he occupied for the last 5 years are added to the invitation of the foreign specialist for the position of a manager of an enterprise (construction site), subdivision, workshop, etc.

Attachment 3
to the Regulations on the Order
of Invitation of Foreign Citizens
for Temporary Work
in Turkmenistan

A. Reference
regarding the number of foreign staff in the firm _____
Date: _____ 200__

Name, Middle name, Surname.	Passport Number	Date of Birth	Country of Exit	Profession, Position	Address of Residence in Turkmenistan	Notes
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Manager's signature:

Chief accountant's signature:

Seal:

B. Reference
on the ratio of employees in the firm
Date: _____ 200__

	Number of staff	Ratio	Notes
Total number: Including Turkmenistan citizens: Foreign citizens:		100%	

Manager's signature:

Chief accountant's signature:

Seal:

C. Reference
on the number of Turkmenistan citizens-employees
Date: _____ 200__

Name, Middle name, Surname	Position	Date of birth	Passport Number	Home address, address and telephone number	Notes
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Manager's signature:

Chief accountant's signature:

Seal:

12. A bank document confirming payment of the processing fee for the permission (submitted at the time when permission is collected).

NOTE: Permission for work for foreign citizens on the basis of contracts made with the state enterprises and organizations of Turkmenistan, are issued in coordination with the Cabinet of Ministers of Turkmenistan or Hakims of velatyas and of the city of Ashgabat.