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LAW ON THE LEGAL STATUS OF FOREIGN CITIZENS

Act of 1 February 1996

(Unofficial translation)

I-GENERAL PROVISIONS

II- FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES OF FOREIGN CITIZENS IN THE REPUBLIC OF TAJIKISTAN

III- ENTRY INTO THE REPUBLIC OF TAJIKISTAN AND EXIT FROM THE REPUBLIC OF TAJIKISTAN

IV- RESPONSIBILITY OF FOREIGN CITIZENS, REDUCTION OF THEIR STAY, DEPORTATION

V- FINAL PROVISIONS

I-GENERAL PROVISIONS

Section 1- Foreign citizens of Tajikistan. Foreign citizens in the Republic of Tajikistan shall be persons, who are not citizens of the Republic of Tajikistan and possess documents confirming their belonging to citizenship of the other state.

In conformity with the Constitution of the Republic of Tajikistan appropriate rights and freedoms shall be guaranteed to foreign citizens.

Section 2- Legislation in the legal status of foreign citizens in the Republic of Tajikistan. The legislation of the Republic of Tajikistan on the legal status of foreign citizens in the Republic of Tajikistan shall consist of the present Law and other legislative acts of the Republic of Tajikistan, defining in conformity with the Constitution of the Republic of Tajikistan the legal status of foreign citizens.

The legal status of foreign citizens in the Republic of Tajikistan shall be also defined on the basis of international treaties of the Republic of Tajikistan.

Section 3- Principles of the legal status of foreign citizens in the Republic of Tajikistan. Foreign citizens in the Republic of Tajikistan shall enjoy the same rights and freedoms and carry out the same duties as citizens of the Republic of Tajikistan, unless the Constitution of the Republic of Tajikistan, the present Law and other legislation of the Republic of Tajikistan provide for otherwise.

Foreign citizens in the Republic of Tajikistan shall be equal before the law, irrespective of origin, social and property status, racial and national affiliation, sex, education, language, religion, professional affiliation and other aspects.

For citizens of those states, where the rights and freedoms of citizens of the Republic of Tajikistan are deliberately infringed, the Republic of Tajikistan shall establish reciprocal restrictions.

The exercise of rights and freedoms by foreign citizens in the Republic of Tajikistan should not be detrimental to the interests of the Republic of Tajikistan and lawful interests of citizens of the Republic of Tajikistan and other persons.

Section 4- Obligation to respect the Constitution and to observe the laws of the Republic of Tajikistan. The exercise of rights and freedoms granted to foreign citizens in the Republic of Tajikistan shall be inseparable from the performance of their duties established by the legislation of the Republic of Tajikistan.

Foreign citizens staying in the Republic of Tajikistan shall be obliged to respect the Constitution of the Republic of Tajikistan and to observe the laws of the Republic and to respect traditions and customs of the people living in the territory of the Republic of Tajikistan.

Section 5- Foreign citizens permanently and temporarily residing in the republic of Tajikistan. Foreign citizens shall enter the Republic of Tajikistan provided they have entry/exit visas, issued by the Ministry of Foreign Affairs, its representations abroad or by embassies and consulates of those states, with which the Republic of Tajikistan has appropriate agreements.

If foreign citizens enter the Republic of Tajikistan for the period of more than one month, they shall obligatory obtain a residence permit at the offices of the Ministry of Interior. The term of the residence permit shall be extended together with the extension of the term of entry/exit visas. The term of the residence permit shall not be extended without the extension of entry/exit visas. The term of the residence permit extended without the extension of the term of entry visa shall be invalid.

Section 6- Granting of asylum. The Republic of Tajikistan may grant political asylum to foreign citizens who became victims of human rights violations. Political asylum shall be granted by the President of the Republic of Tajikistan.

II- FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES OF FOREIGN CITIZENS IN THE REPUBLIC OF TAJIKISTAN

Section 7- Labour activity. Foreign citizens permanently residing in the Republic of Tajikistan may work as employees at enterprises, organizations and institutions or be engaged in other labour activities on the grounds and in the manner established for citizens of the Republic of Tajikistan.

Foreign citizens temporarily staying in the Republic of Tajikistan may be engaged in labour activity in the Republic of Tajikistan, provided it is compatible with the aims of their stay in the Republic of Tajikistan.

Foreign citizens may not take certain offices or be engaged in certain labour activity, if under the legislation of the Republic of Tajikistan appointment to these offices or engagement; such activity is connected with affiliation to the citizenship of the Republic of Tajikistan.

In labour relations, foreign citizens shall enjoy the rights and perform the duties equally with citizens of the Republic of Tajikistan.

Section 8- Rest. Foreign citizens in the Republic of Tajikistan shall have the same right to rest as citizens of the Republic of Tajikistan.

Section 9- Health Care. Foreign citizens in the Republic of Tajikistan shall have the right to health care. Foreign citizens permanently residing in the Republic of Tajikistan shall use medical services equally with citizens of the Republic of Tajikistan.

Foreign citizens temporarily staying in the Republic of Tajikistan shall use medical services in the manner established by the Ministry of Health Care of the Republic of Tajikistan.

Section 10- Social Security. Foreign citizens permanently residing in the Republic of Tajikistan shall have the right to obtain allowances, pensions and other social benefits equally with citizens of the Republic of Tajikistan.

Foreign citizens temporarily staying in the Republic of Tajikistan shall have the right to obtain benefits and other social benefits on the grounds and in the manner established by the legislation of the Republic of Tajikistan.

In those cases when the proper length of work is a necessary condition to obtain a pension, the period of work abroad can be included to the length of work of foreign citizens on the grounds and in the manner established by the legislation of the Republic of Tajikistan.

Section 11- Provision of dwelling. Foreign citizens permanently residing in the Republic of Tajikistan shall have the right to set a dwelling in houses of the state and public housing fund, house-building cooperatives, and to own a house or a flat on the grounds and in the manner established by the legislation of the Republic of Tajikistan.

Section 12- Property and personal non-property rights. Foreign citizens in the Republic of Tajikistan may have personal property; they may inherit and devise property; they may have the copy rights to the works of science, literature and art, discovery, invention, industrial sample, and other property and non-property rights, unless the legislation of the Republic of Tajikistan provides for otherwise.

Section 13- Education. Foreign citizens in the Republic of Tajikistan shall have the right to receive education equally with citizens of the Republic of Tajikistan in conformity with the procedure established by the legislation of the Republic of Tajikistan.

Foreign citizens admitted to educational institutions shall have the rights and perform duties of students in conformity with the legislation of the Republic of Tajikistan, unless the legislation of the Republic in force provides for otherwise.

Section 14- Cultural Achievements. Foreign citizens in the Republic of Tajikistan shall have the right to enjoy cultural achievements equally with citizens of the Republic of Tajikistan.

Foreign citizens in the Republic of Tajikistan shall be obliged to care for historical and cultural monuments and other cultural values.

Section 15- Public Organizations. Foreign citizens permanently residing in the Republic of Tajikistan shall have the right, equally with citizens of the Republic of Tajikistan, to join trade unions, cooperative organizations, scientific, cultural, sport

societies and other public organizations, except for political parties, unless it contradicts the statutes of these organizations and the legislation of the Republic of Tajikistan.

Section 16- Freedom of conscience. Foreign citizens in the Republic of Tajikistan shall have the guaranteed freedom of conscience equally with citizens of the Republic of Tajikistan.

Excitation of enmity and hatred on religious grounds shall be prohibited.

Section 17- Marital and family relations. Foreign citizens in the Republic of Tajikistan may contract and dissolve marriages with citizens of the Republic of Tajikistan and other persons in conformity with the legislation of the Republic of Tajikistan and international treaties.

Foreign citizens in the Republic of Tajikistan shall enjoy the rights and bear responsibilities in marital and family relations equally with citizens of the Republic of Tajikistan

Section 18- Security of a person and home. Foreign citizens in the Republic of Tajikistan shall be guaranteed the security of their person and home and their personal belongings in conformity with the legislation of the rights.

Section 19- Movement within the territory of the Republic of Tajikistan and choice of the place of residence. Foreign citizens may move within the territory of the Republic of Tajikistan and chose a place of residence in the Republic of Tajikistan in conformity with the procedure established by the legislation of the Republic of Tajikistan. Restrictions on movement and choice of place of residence shall be permitted, if it is necessary for national security, protection of public order, health and morality of population, protection of rights and lawful interests of citizens of the Republic of Tajikistan and other persons.

Section 20- Taxes and duties. Foreign citizens in the Republic of Tajikistan shall be subject to taxation on equal grounds with citizens of the Republic of Tajikistan, unless the legislation of the Republic of Tajikistan provides for otherwise.

Section 21- Protection of rights of foreign citizens. Foreign citizens in the Republic of Tajikistan shall have the right to appeal to court and other state organs for the protection of their person, property, family and other rights.

In a court, foreign citizens shall enjoy the legal procedure rights equally with citizens of the Republic of Tajikistan.

Section 22- Suffrage. Foreign citizens in the Republic of Tajikistan may not elect and be elected to legislative organs as well as may not be appointed to executive organs, or take part in all-nation voting (referenda).

Section 23- Military service. Foreign citizens shall not be obliged to serve in the Armed Forces of the Republic of Tajikistan.

III- ENTRY INTO THE REPUBLIC OF TAJIKISTAN AND EXIT FROM THE REPUBLIC OF TAJIKISTAN

Section 24-Entry into the Republic of Tajikistan.

Foreign citizens may enter the Republic of Tajikistan with valid travel passports or equivalent documents if they have an entry visa granted by the Ministry of Foreign Affairs and its representations abroad, and also by embassies and consulates of foreign countries, with which the Republic of Tajikistan has appropriate agreements.

A foreign citizen may be denied to enter the Republic of Tajikistan:

- 1) in the interests of national security or protection of public order;
- 2) if it is necessary for the protection of rights and lawful interests of citizens of the Republic of Tajikistan and other persons;
- 3) if during the previous visit to the Republic of Tajikistan, it was established that he/she violated the legislation on the legal status of foreign citizens in the Republic of Tajikistan, customs, hard currency or other laws of the Republic;
- 4) if applying for entry he/she provided false information or did not provide necessary documents;
- 5) on other grounds, established by the legislation of the Republic of Tajikistan.

Section 25-Exit from the Republic of Tajikistan. Foreign citizens shall exit from the Republic of Tajikistan with travel passports or equivalent documents if they have an exit visa granted by the Ministry of Foreign Affairs of the Republic of Tajikistan.

A foreign citizen shall not be allowed to exit from the Republic of Tajikistan:

- 1) if there are grounds to institute criminal proceedings against him/her until the termination of the case;
- 2) if he/she has been convicted for a crime until the sentence is served or lifted;
- 3) if it contradicts the interests of national security until the circumstances preventing the exit cease to exist;
- 4) if there are other circumstances established by the legislation of the Republic of Tajikistan that prevent the exit.

Departure of a foreign citizen from the Republic of Tajikistan may be delayed until he fulfils property obligations related to substantial interests of citizens of the Republic of Tajikistan and other persons, state, co-operative and other public organizations.

Section 26- Transit movement. Foreign citizens who transit through the territory of the Republic of Tajikistan, follow the established route, with the observation of rules of transit, to the border point of exit from the Republic of Tajikistan and may stop on the territory of the Republic of Tajikistan if they have a transit visa granted by the Ministry of Foreign Affairs of the Republic of Tajikistan.

Section 27- Establishment of rules for entry into the republic of Tajikistan, exit from the Republic of the Republic of Tajikistan, transit through the territory of Tajikistan.

The rules for entry into the Republic of Tajikistan of foreign citizens, their exit from the Republic of Tajikistan and transit through the territory of the Republic of Tajikistan shall be established by the present Law and other legislative acts of the Republic of Tajikistan.

IV- RESPONSIBILITY OF FOREIGN CITIZENS, REDUCTION OF THEIR STAY, DEPORTATION

Section 28- Grounds for responsibility for delinquency. Foreign citizens who have committed crimes, administrative and other violations of the law in the territory of the Republic of Tajikistan shall be liable equally with citizens of the Republic of Tajikistan.

Section 29-Responsibility for violation of the rules for stay in the Republic of Tajikistan and transit through the territory of the Republic of Tajikistan. For violation by foreign citizens of the rules for stay in the Republic of Tajikistan, i.e. residence without documents, giving the right to residence in the Republic of Tajikistan or residence with invalid documents, non-observation of the established procedure for registration and obtaining registration certificate or movement and choice of place of residence, evasion from departure on the expiry of the term of their residence established for them, and also non-observation of the rules for transit through the territory of the Republic of Tajikistan, may be subject to administrative and criminal punishment.

Section 30- Reduction of the stay in the Republic of Tajikistan. The term of the stay in the Republic of Tajikistan established for a foreign citizen may be reduced if he/she violates the legislation on the legal status of foreign citizens in the Republic of Tajikistan and other legislative acts of the Republic of Tajikistan.

The stay of a foreign citizen in the Republic of Tajikistan may be also reduced where the grounds for his/her further stay have ceased to exist.

A decision on the reduction of the stay shall be taken by internal affairs bodies.

Section 31- Deportation from the Republic of Tajikistan. A foreign citizen may be deported from the Republic of Tajikistan:

- 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, protection of rights and lawful interests of the citizens of the Republic of Tajikistan;
- 3) if he/she grossly violated the legislation on the legal status of foreign citizens in the Republic of Tajikistan, customs, hard currency and other legislation of the Republic of Tajikistan.

A decision on deportation shall be taken by the Ministry of Security or the Ministry of Internal Affairs in cooperation with the Prosecutor General of the Republic of Tajikistan. If a deportee does not appeal to the court against the legitimacy of this decision within one week, the decision shall be executed. The court shall take its decision in accordance with the procedure established for citizens of the Republic of Tajikistan.

V- FINAL PROVISIONS

Section 32- Application of the present law to stateless persons. Provisions of the present Law shall apply to stateless persons in the Republic of Tajikistan, unless the legislation of the Republic of Tajikistan provides for otherwise.

Section 33- Privileges and immunities of heads and staff members of representation of foreign states and other persons. The provisions of the present Law shall not infringe on the privileges and immunities established by the legislation of

the Republic of Tajikistan and international treaties of the Republic of Tajikistan, for heads and staff members of diplomatic, consular representations and liens with equal status.

Section 34- Staff members of foreign representations. Stay in the Republic of Tajikistan of diplomatic and consular representations of foreign slates, staff members and their families shall be defined by international treaties and other acts of international law.