

# **LAW OF TURKMENISTAN**

## **on legal status of foreign citizens in Turkmenistan**

(Mejlis Gazette of Turkmenistan, 2011 , # 1, page 13)

*Present law defines the legal status of foreign citizens in Turkmenistan. Also, it regulates the relations resulting from their staying (residing), labour, business and other activity realized on the territory of Turkmenistan.*

### **Chapter I. GENERAL PROVISIONS**

#### **Article 1. Foreign citizens in Turkmenistan**

Foreign citizens in Turkmenistan are the individuals that are not citizens of Turkmenistan and that have evidence of their citizenship of any other country.

#### **Article 2. Legislation of Turkmenistan on legal status of foreign citizens in Turkmenistan**

Legislation of Turkmenistan on legal status of foreign citizens in Turkmenistan is based Constitution of Turkmenistan and is comprised of present Law and other normative legal acts of Turkmenistan that regulate the legal status of foreign citizens in Turkmenistan.

If the rules other than determined in present Law have been set by international agreement of Turkmenistan, then the rules of international agreement have to be adhered.

#### **Article 3. Principles of legal status of foreign citizens in Turkmenistan**

Foreign citizens in Turkmenistan enjoy the similar rights and freedoms and have responsibilities as the citizens of Turkmenistan, unless Constitution of Turkmenistan, the present Law and other legislative acts of Turkmenistan provide otherwise.

Foreign citizens in Turkmenistan are equal before the law irrespective of origin, position and property status, race and ethnicity, sex, education, residence, language, religious behavior and other

circumstances.

Realization of rights and freedoms by foreign citizens in Turkmenistan must not harm the interests of the society and state, the rights and legitimate interests of citizens of Turkmenistan and of other persons.

#### **Article 4. Adhering to Constitution and laws of Turkmenistan**

Realization of rights and freedoms granted to foreign citizens in Turkmenistan is inseparable from performance of their responsibilities determined by the legislation of Turkmenistan.

Foreign citizens of Turkmenistan are obliged to adhere to Constitution and laws of Turkmenistan, and, to respect national traditions.

#### **Article 5. Foreign citizens residing and temporarily staying in Turkmenistan**

Foreign citizens may reside in Turkmenistan if they have a residence permit issued in the procedure set by legislation of Turkmenistan. Procedure of issuance of residence permits is determined by the President of Turkmenistan.

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

#### **Article 6. Granting of Asylum**

In accordance with its Constitution and commonly accepted norms, Turkmenistan grants the asylum to foreign citizens in the procedure set by the law.

The decision for granting asylum is taken by the President of Turkmenistan.

### **Chapter II. Fundamental rights, freedoms and responsibilities of foreign citizens in Turkmenistan**

## **Article 7. Labour Activity**

Foreign citizens residing in Turkmenistan may work as workers or employees at enterprises, institutions and organizations or they may engage in other labour activity on the grounds and in the procedure set for citizens of Turkmenistan by Labour Code. Foreign citizens temporarily staying in Turkmenistan may engage in labour activity in Turkmenistan if it is compatible with the purposes of their stay in Turkmenistan and their labour activity does not contradict the legislation of Turkmenistan.

Foreign citizens cannot be appointed to certain positions or engage in certain labour activity if in accordance with the legislation of Turkmenistan appointment to these positions or engaging in such activity is related with citizenship of Turkmenistan. In labour relations, foreign citizens enjoy the rights and carry the responsibilities equally with citizens of Turkmenistan.

## **Article 8. Rest**

Foreign citizens in Turkmenistan have the same right to rest as citizens of Turkmenistan

## **Article 9. Healthcare**

Foreign citizens in Turkmenistan have the rights to healthcare and carry the responsibilities as do the citizens of Turkmenistan.

Foreign citizens in Turkmenistan use healthcare institutions and medical service on the grounds and in the procedure set by the legislation of Turkmenistan.

## **Article 10. Social security**

Foreign citizens residing in Turkmenistan have the right to social security on the grounds and in the procedure set by the legislation of Turkmenistan.

## **Article 11. Housing**

Foreign citizens residing in Turkmenistan have the right to housing

in accordance with the legislation of Turkmenistan.

### **Article 12. Property and personal non-property rights**

In accordance with the legislation of Turkmenistan, foreign citizens residing on the territory of Turkmenistan may have their own house and other property in Turkmenistan on bases of ownership rights.

In accordance with the legislation of Turkmenistan, foreign citizens may inherit and bequeath property, may have copyrights to the work of science, literature and art, discovery, invention, industrial sample as well as other property and personal non-property rights

Foreign citizens also have the right to use lands in the procedure set by the legislation of Turkmenistan.

### **Article 13. Receiving education**

Foreign citizens have the right to education in accordance with the procedure set by the legislation of Turkmenistan.

Foreign citizens enrolled in educational institutions of Turkmenistan have the rights and carry responsibilities in accordance with the legislation of Turkmenistan.

### **Article 14. Using the cultural achievements**

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

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

### **Article 15. Public associations**

Foreign citizens in Turkmenistan have the right to join public associations if their statutes provide for that. The membership of foreign citizens in public associations is regulated by the Law of Turkmenistan “On Public Associations in Turkmenistan”.

### **Article 16. Freedom of religion**

Foreign citizens in Turkmenistan are guaranteed the freedom of

religion equally with citizens of Turkmenistan in accordance with the legislation of Turkmenistan.

Instigation of hostility and hatred with regards to religious beliefs is prohibited.

### **Article 17. Marital and family relations**

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

Foreign citizens in Turkmenistan enjoy the rights and carry responsibilities in marital and family relations equally with citizens of Turkmenistan in accordance with the legislation of Turkmenistan.

### **Article 18. Personal and home immunity**

In accordance with the legislation of Turkmenistan, foreign citizens in Turkmenistan are guaranteed the immunity of their identity, home, honor and dignity.

### **Article 19. Movement within the territory of Turkmenistan and choice of residence**

Foreign citizens may move freely within the territory of Turkmenistan and choose a residence in accordance with the procedure set by the legislation of Turkmenistan.

Restrictions on movement and on residence are allowed in cases defined by the legislation of Turkmenistan, when it is necessary for the reasons of national security, protection of public order, health and morality of population, protection of rights and freedoms, as well as legitimate interests of citizens of Turkmenistan and of other persons.

### **Article 20. Taxes and levies**

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

## **Article 21. Protection of the rights of foreign citizens**

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

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

## **Article 22. Suffrage**

Foreign citizens in Turkmenistan may not elect and be elected to the elective state organizations as well as participate in all-nation and local referendums.

## **Article 23. Military service**

Foreign citizens in Turkmenistan are not obliged to serve in Armed Forces of Turkmenistan.

## **Chapter III. FINAL PROVISIONS**

### **Article 24. Enforcement of the present Law on stateless persons**

Provisions of the present Law apply to stateless persons staying (residing) in Turkmenistan unless the legislation of Turkmenistan defines otherwise.

### **Article 25. 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 set by the legislation of Turkmenistan and international treaties of Turkmenistan.

### **Article 26. Liability for the violation of the present Law**

Violation of the present Law entails the liability set by the legislation of Turkmenistan.

## **Article 27. Effectiveness of the present Law**

The present law comes into effect beginning with the day of its official publication.

Beginning with the effective date of the present Law the following legislative acts to be considered as invalid:

1) Law of Turkmenistan dated October 08, 1993, “On legal status of foreign citizens in Turkmenistan” (Mejlis Gazette of Turkmenistan, 1993, # 9-10, page 99);

2) Part II of the Law of Turkmenistan dated November 24, 1995, “On amending and entering addenda into some legislative acts of Turkmenistan” (Mejlis Gazette of Turkmenistan, 1995, # 3, page 38);

3) Part IV of the Law of Turkmenistan dated December 19, 2000, “On amending and entering addenda into some legislative acts of Turkmenistan” (Mejlis Gazette of Turkmenistan, 2000, # 3-4, page 41);

4) Part V of the Law of Turkmenistan dated June 14, 2003, “On amending and entering addenda into some legislative acts of Turkmenistan” (Mejlis Gazette of Turkmenistan, 2003, # 2, page 10);

5) Part II of the Law of Turkmenistan dated June 12, 2007, “On amending and entering addenda into some legislative acts of Turkmenistan” (Mejlis Gazette of Turkmenistan, 2007, # 2, page 49);

6) Part VI of the Law of Turkmenistan dated May 10, 2010, “On amending and entering addenda into some legislative acts of Turkmenistan” (Mejlis Gazette of Turkmenistan, 2010, # 2, page 34).

**President of  
Turkmenistan**

**Gurbanguly  
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Ashgabat city  
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