



Information for asylum seekers on Refugee Status Determination Procedure in the Republic of Tajikistan

The Republic of Tajikistan is a signatory of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the Convention against torture and other inhuman and degrading forms of treatment and punishment. As such Tajikistan cares to protect people who have a well-founded fear of persecution.

Please read fully and carefully the brochure in its entirety.

Each procedural step described is mandatory. Noncompliance to the rules without serious reasons may jeopardize the successful outcome of the claim. Please note that if in doubt on what to do, feel free to approach NGO "Humanity & Justice", or the UNHCR office for counselling. Also note that, unless otherwise indicated, all services mentioned below are free of charge.

Information provided here is based on national asylum procedures established in Tajikistan in accordance with the Law of the Republic of Tajikistan on Refugees as of May 2002 (with last amendments as of 26 July, 2014)

Who is an asylum-seeker in the Republic of Tajikistan?

An asylum seeker is a foreign citizen or a stateless person who has left the country of his/her nationality or the country of his/her habitual residence with an intention to apply for refugee status in the Republic of Tajikistan. It means that an asylum-seeker in Tajikistan is a person who seeks state protection from the Tajik authorities.

Who is a refugee?

A refugee is a person who is not a citizen of the Republic of Tajikistan and who resides in its territory owing to well-founded fear of being persecuted in the country of his/her nationality for reasons of race, religion, citizenship, ethnicity, membership of a particular social group or political opinion, and who is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country, or who, not having a certain nationality and being in the Republic of Tajikistan as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

It means that you should be granted state protection and be permitted to stay in Tajikistan if you have a well-founded fear persecution in your country. You may be persecuted on the basis of your race, your religion, your nationality, your political opinion or membership in a particular social group. You may also fear torture or a risk to life.

Where can I apply for refugee status?

If you entered Tajikistan legally, you must lodge an application to the Department on Citizenship and Work with Refugees (DCWR) at the Passport Registration Service under Ministry of Internal Affairs, within one month upon your entry date in the country.

At the same time, you should also remember that as a foreign national you must register with the Department of Internal Affairs of the Passport Registration Service (PRS) under the Ministry of Internal Affairs (former

OVIR – Office for Visas and Registration) within three working days upon arrival (except Saturday and Sunday) to the country. This means, that ones you arrive to Tajikistan, you must obtain registration with PRS within 3 working days. Your application for refugee status may be submitted within one month. It is important to remember about the mandatory registration within 3 working days, otherwise you will be fined in accordance with Code on Administrative Punishment. Please note that you will have to pay official registration fee of 40 TJS and service fee – 95 TJS.

If you crossed the state border illegally, you should apply to the State border protection bodies within 24 hours, who are then supposed to submit your application to Passport Registration Service within 3 days.

If you are unable to claim refugee status in person due to health condition, your authorized representative can do it for you by producing a medical document certifying your health condition.

You have legal right for:

- Access to the information about your rights and obligations for the period of consideration of your case in your native language or the one you understand.
- Links/Connection with organizations that provide free aid to refugees and asylum seekers. Apart from that you can contact UNHCR Representation.
- Residence in Tajikistan until final consideration of your case.
- Primary and secondary education.
- Employment on legal basis.
- Launch of appeal to the Prosecutor’s Office in case of mistreatment or violation of your human rights.

For exercising/enjoying the rights you can contact UNHCR’s partners “*Humanity & Justice*” for legal advice and/or RCVC for socio-economic.

The Tajik Government launched eVisa is an electronic visa system, to facilitate the process of obtaining a tourist or business visa for the country. For legal entry to Tajikistan you can visit the Tajikistan Visa Electronic Application Center (<https://www.visa.gov.tj/index.html#/>)

You are obliged to:

You have to observe the Law of the Republic of Tajikistan. Any illegal acts could be taken into account during your case consideration and adversely impact the outcome of the decision.

- To tell the truth and co-operate.
- To provide all documents and evidences of your case when/if available.
- To inform about all family members accompanying you. Each adult family member will have a separate interview.
- To get registered with the internal affairs body without delays.

How can I apply for refugee status?

You have to apply for refugee status in person. You must submit:

- a written application to the Department on Citizenship and Work with Refugees at the Passport registration Service (no form needed) and 2 colour photos (3x4) for each family member above 16 years of age.
- your passport, as well as a copy of your passport and any other identity documents,

- certificate from the place of your residence in Tajikistan¹,

You should know that according to the Tajik legislation (Resolutions # 325 of 2000, amended on 02.17.2001) refugees and asylum seekers who arrived after 2000 are not allowed to settle in Gorno-Badakhshan Province and in following cities: Dushanbe, Khujand, Bokhtar (former Kurgan-Tyube), Tursunzade, Ragun, Levakand (former Sarband), Kulob, Nurek, Buston (former Chkalovsk), Guliston (former Kairakum), Taboshar, Konibodom, Isfara and Bobojon Ghafurov. You are not allowed to settle in districts of Varzob, Jirgital, Pianj, Jaikhun (former Kumsangir), Farkhar, Hamadoni, Shamsiddini Shohin (former Shurabad), Shaartuz, Kabodion and Jilikul.

Therefore, the following locations are allowed for residence by asylum-seekers and refugees: Hissor, Rudaki, Vahdat, Faizabad, Darband, Tajikabad, Tavildara, Gharm, Yavan and other districts not prohibited under Resolution 325.

ATTENTION! Violation of the Government Resolution # 325 may lead to cessation or cancellation of your refugee status with further deportation!! In case you need legal assistance in this regard, please contact the NGO “*Humanity & Justice*”.

- health certificate, including a HIV test, can be obtained at the polyclinic located in Dushanbe at 33 Sanoi Street.

In the absence of any of the above documents, please consult UNHCR or “*Humanity & Justice*” NGO.

¹ Resolution of the Government of Tajikistan # 325 of 2000

If you are less than 18 years of age:

In case of arrival in the territory of the Republic of Tajikistan of persons below 18 years of age, unaccompanied by legal representatives, and who wish to be recognized as refugees, relevant asylum authorities shall interview such persons and fill out a questionnaire. Actions shall be taken to hand the mentioned persons over to patronage and custody organs of the Republic of Tajikistan pending the decision determining their legal status, in accordance with the Law on Refugees and other enactments of the Republic of Tajikistan.

Upon submitting your application, you will be issued a registration notification by the State Body – Certificate of asylum-seeker.

Please note that the Government Official fee for registering asylum application is 60 TJS.

What is the procedure on registration of my application and decision on refugee status?

The Joint Refugee Status Determination Commission decide within 10 working days from the date of your submission of your application whether to register your application or to reject it. Once the authorities decide to register your application, you will be issued a temporary asylum-seeker certificate valid for three months. The document certifies that you are staying in the country legally while your case on determining refugee status is pending. Once your application has been registered, it will be examined by the Refugee Status Determination Commission within maximum 6 months after the date of the registration of your asylum application. The refugee status determination procedure may be suspended at any moment if, during consideration of your case, it became obvious that you have deliberately provided false information or you have committed an act which constitutes a danger to the national security or public order of the Republic of Tajikistan.

What is a refugee status determination interview?

After receiving your application, the staff of the DCWR will appoint a date for refugee status determination interview. The interview will be conducted to find out the grounds for leaving your country of nationality or of origin/residence. You may be asked to attend several interviews with the Passport Registration Service staff during the review of your asylum claim.

During the interview, you must tell the truth on all aspects of your claim.

- This means giving true information about yourself and your family and providing precise, detailed information about the reasons why you cannot go back to your country of nationality and/or your country of habitual residence.
- You should know that information you provide during the interview is not subject to disclosure and shall not be communicated externally without your consent.
- Information you provided during the interview shall be recorded by the DCWR officials in a questionnaire. After the interview is completed, you will be acquainted with its content, and you will be asked to sign it, confirming that all the information reflected in the questionnaire corresponds to your statements.
- In case you disagree with the content in the questionnaire, before signing it, you should explain to the DCWR staff carrying out the interview where, in your opinion, discrepancy or inaccuracy has been made on the information provided by you and where it has not been indicated.
- Providing false information and/or false documents may negatively affect the decision on your asylum claim. If you refuse to provide information about yourself or provide deliberately false information about yourself and about the

circumstances of your arrival in the Republic of Tajikistan, this may lead for the rejection of your claim.

- The interview should be conducted with all adult male and female members of your family (18 +)

Interpretation

If you do not speak Tajik/Dari or Russian language, the authorities shall provide free interpretation services. If you are not comfortable with the interpreter provided by the authorities, you are entitled to invite an interpreter of your choice.

Who will not be granted refugee status?

According to the Law on Refugees, you cannot expect to be granted refugee status in Tajikistan if:

- Your claims is based on grounds such as: famine, epidemics and/or due to emergency disasters taking place in your country or for reasons of personal social and economical difficulties;
- Protection is available because you have a citizenship or permanent residence in a third safe country, obtained refugee status in a third safe country, or protected under a UN agency.
- A person is married to a Tajik citizen and has, in accordance with the legislation of the Republic of Tajikistan, the possibility to obtain a permanent residence permit in Tajikistan; or married to a Tajik citizen;
- Exclusion clauses apply as stipulated in the current law;
- You provide false information about yourself or any aspect of your claim;
- You came to Tajikistan out of fear of punishment for breaking the law and/or evading justice;

- You were previously rejected due to the absence of well-founded fear and that there is no change in the situation in the country of origin since the day of the refusal until the day of the new application.
- You crossed the border of the Republic of Tajikistan illegally with the intention to apply for refugee status, but you did not submit your application within the prescribed 24 hours in the manner set by Refugee law (Article 6) and described above.
- If you have transited through one of the countries listed in Resolution 323.²

What do I do if I was rejected registration for refugee status?

According to the Tajik legislation on refugees you have a right to appeal the negative decision to a Passport Registration Service or to District Court within one month from the day of the rejection notification. For any assistance on this matter, you may wish to contact UNHCR's Legal Partner "*Humanity & Justice*".

How to appeal in case of rejection?

If the authorities decided to reject your application for refugee status, you may appeal this negative decision to the Sino District Court within one month from the day of the rejection notification.

You should know that the authorities are obliged to communicate this decision to you in writing in the form of a rejection letter within 5 working days from the moment of decision. You need this letter in order to appeal the negative decision.

² Republics of Uzbekistan, Republic of Kyrgyzstan, Republic of Kazakhstan, Russian Federation, Republic of Belarus, Turkmenistan, People's Republic of China, Islamic State of Afghanistan, Islamic Republic of Iran Islamic Republic of Pakistan.

If you do not appeal, you will be required to leave the territory of Tajikistan within one month from the day of receipt of the rejection notification and in the absence of other legal grounds to stay.

If you appeal the negative decision on your asylum claim, you have a right to stay in Tajikistan until the decision of the last instance Court of Tajikistan is pronounced. Until the final decision is taken, the authorities are obliged to issue you a document valid for the duration of the whole appeal process.

Re-application for refugee status is possible if the situation in the country of origin has changed since the day of the previous refusal and/or, due to additional or new information.

Where to appeal?

Appeal of a negative decision, wherever you are staying, can be filed with:

- First instance Sino District Court in Dushanbe.
- Second instance Dushanbe City Court.
- Third instance Supreme Court of Tajikistan.

May I receive assistance to appeal rejection decision?

UNHCR provides assistance to appeal rejection decision through its legal NGO partner "*Humanity & Justice*". You should approach "*Humanity & Justice*" with such a request. Please note that you will be interviewed by "*Humanity & Justice*" lawyers and information may be submitted to UNHCR for review. UNHCR may conduct additional interview or request "*Humanity & Justice*" to ask you additional questions.

UNHCR will make decision whether to provide you with a free lawyer. In case your application does not qualify for free lawyer representation

from UNHCR, you still have the right to submit your application to the court for appeal. You may receive counseling from “*Humanity & Justice*” lawyers on this issue.

Guarantees of the Rights of Asylum-Seekers and Refugees

Asylum-seekers applying for refugee status, recognized refugees forfeited or deprived of refugee status cannot be returned or refouled against their will to the territory of a state where their life and freedom would be threatened on account of his race, religion, citizenship, membership of a particular social group or political opinion.

What are my rights as an asylum-seeker in Tajikistan?

Asylum seekers in Tajikistan are under the protection of the State in accordance with the text of the asylum-seeker certificate and have the following rights:

- To be protected from forceful deportation;
- To reside in Tajikistan for the period of the process of the application in compliance with the laws and specifically in accordance with the list of settlements established by the Government of Tajikistan in Resolution 325, indicated above;
- To obtain emergency medical help in state health institutions;
- To have access to primary and secondary education;
- To have access to employment and entrepreneurial activity in accordance with the legislation of the Republic of Tajikistan

What are my obligations as an asylum-seeker in Tajikistan?

As an asylum seeker in Tajikistan you have the following obligations:

- To comply with the legislation of Tajikistan in all its aspects;

- Take residence in a place within 72 hours from the time of referral by the Passport Registration Service in compliance with resolutions 325 of the Republic of Tajikistan;
- Register with the local organs at the chosen place;
- Undergo medical examinations in accordance with the requirements set by the law;
- Communicate to the DCWR the information necessary for considering your application;
- Notify immediately the DCWR about changes of personal details and place of residence.

What are my rights as a refugee?

You and your accompanying family members are entitled to:

- reside in the Republic of Tajikistan for the period of your recognition as refugees;
- choose a settlement for independent settling, provided by internal affairs agencies in accordance with Resolutions 325;
- settle on your own in the family of a Tajik citizen or of a foreign citizen or stateless person permanently residing in Tajikistan;
- medical aid, job placement, journeywork or business undertakings in accordance with the enactments of the Republic of Tajikistan;
- receiving primary and secondary education;
- assistance from internal affairs bodies in obtaining information about relatives residing in the country of your nationality;
- request assistance from internal affairs bodies in arranging Tajikistan exit/entry travel documents for you and your family;

- participation in any integration programs developed by local internal affairs bodies;
- apply for permanent residence permit in the Republic of Tajikistan on the grounds not linked to refugee status or apply for the citizenship of the Republic of Tajikistan in accordance with the legislation of the Republic of Tajikistan
- voluntarily return to the country of your nationality (former habitual residence);
- depart to take a residence in third country;
- enjoy other rights stipulated in the legislation of the Republic of Tajikistan for foreign citizens and stateless persons;

What are my obligations as a refugee?

You and your accompanying family members are obliged to:

- observe the Constitution of the Republic of Tajikistan and other enactments of the Republic of Tajikistan;
- get registered with the local internal affairs body no later than three working days after receiving the refugee certificate, when settling independently;
- depart to a temporary settlement, no later than three working days after receiving a letter from the internal affairs body, and get registered with the local internal affairs bodies, within three working days upon arrival;
- produce, no later than one working week, to internal affairs bodies and, if necessary, to the respective interior body information about changes of name, surname, family composition or marital status;
- inform internal affairs agencies about the intention to change the place of residence within the Republic of Tajikistan;

- get struck off the register at current internal affairs body upon change of place of residence and register at the local internal affairs body within three working days after arrival in the new place;
- undergo yearly re-registration within the timeframe set by internal affairs bodies;
- fulfill other obligations stipulated in the legislation of the Republic of Tajikistan;

CONFIDENTIALITY:

Tajik Refugee Law guarantees confidentiality of any information provided during the asylum process.

Information about persons applying for refugee status as well as those granted refugee status may not be provided to the authorities and public organizations of the country of their nationality (of their previous residence) without their written consent.

Similarly, any information provided to UNHCR and its partners is confidential and will not be shared by UNHCR with any State, military or civil entity, non-governmental organization, or person without the written permission of the applicant, regardless of the relationship a person might have to the applicant. All the facts and details of your claim will be used by UNHCR in order to assist you in the best way possible and for no other purposes.

Can I apply for refugee status to UNHCR?

The Republic of Tajikistan is signatory to the 1951 Convention on Refugees and its 1967 Protocol, as such you should apply to the Government of Tajikistan only for refugee status. UNHCR may guide

you on the asylum procedures that exist in the country and provide legal assistance where/if needed. UNHCR nor registers any asylum application neither carries out refugee status determination interviews. More detailed information on this issue can be obtained from UNHCR Legal Partner, “*Humanity & Justice*”.

How can I contact UNHCR and its NGO partners?

UNHCR: 39 Aini Street, Dushanbe (UNDP premises)

Working hours: 08:30 a.m. to 17:00 p.m.

Tel: (44) 600-55-96, 600-55-97, 600-56-00, 600-56-01

In case of emergency: (44) 600-56-00, 600-56-01, 900 01 38 39

Humanity & Justice: 44 Dehlavi street, Dushanbe

Working hours: 09:00 a.m. to 17:00 p.m

Tel: 378 85 2040

RCVC Dushanbe: 44 Dehlavi street, Dushanbe

Working hours: 09:00 a.m. to 17:00 p.m

Tel: + 92 55555 12 74, 92 55555 12 78

RCVC Khujand: Ismoil Somoni Ave 203 B, Dushanbe

Working hours: 09:00 a.m. to 17:00 p.m

Tel: +92 55555 12 08

How can I contact the government authorities of Tajikistan?

The State border bodies: 31 Shotemur Street, Dushanbe

Department on Citizenship and Work with Refugees under the Passport Registration Service of the Ministry of Internal Affairs: 2 Abai Street, Dushanbe,

Tel.: 233 31 19, 233 31 12

Passport Registration Service: 121 Firdausi Street, Khujand,

Phone: 6-72-80, 92 843 00 00

UNHCR Representation in Tajikistan

May 2021