

## Tajikistan

*The information contained in this report is current as of July 2021. It is provided as a service to users and it is therefore general and should not be considered or relied on as comprehensive or as legal advice. Nothing contained herein creates an attorney-client relationship between IRAP or any of the law firms that participated in this project and any users of this information.*

### **TAJIKISTAN**

<b>Is there a refugee protection program?</b>	<p>Yes. Tajikistan passed a “Law on Refugees” (the “Refugee Law”) in 1994 (as last amended in 2014), which acceded to the 1951 Geneva Convention on the Status of Refugees and its 1967 New York Protocol.<sup>1</sup></p> <p>The Refugee Law allows asylum-seekers claiming refugee status to submit an application in several ways. If a person is forced to cross the border illegally but claims refugee status, he or she may be detained by border officials but <i>without</i> applying any sanctions established by Tajikistan law for an illegal entry or stay. Border security shall notify the internal affairs body within 72 hours so the asylum claim can be reviewed for registration.<sup>2</sup></p> <p>The government should provide asylum seekers with temporary certification while processing the applications. If refugee status is granted, the application will receive an identification card as proof of legal stay, and the Refugee Law provides such refugee status for a maximum of three years, which can be renewed thereafter.<sup>3</sup></p>
<b>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</b>	<p>Decisions on refugee status are made by the Permanent Commission for Determination of Refugee Status, housed within Tajikistan’s Ministry of the Interior.</p> <p>This Commission includes representatives from the Executive Office of the President, the State Committee for National Security, and the following Ministries: Internal Affairs, Health</p>

<sup>1</sup> Refugee Law, as amended July 26, 2014, <https://www.refworld.org/docid/3eda26b84.html>; see also UNHCR, Universal Periodic Review, 2d Cycle, 25<sup>th</sup> session (July 2015) (“UNHCR Periodic Review”), <https://www.ecoi.net/en/file/local/2052309/60ae42284.pdf>; Vatican City, Integral Human Development, Migrants & Refugees Section, *Migration Profile: Tajikistan* (“Migration Profile”), <https://migrants-refugees.va/country-profile/tajikistan/> (summarizing Tajikistan’s general framework of migration and refugee legislation).

<sup>2</sup> Refugee Law, Art. 6, <https://www.refworld.org/docid/3eda26b84.html>.

<sup>3</sup> Refugee Law, Art. 11(9), <https://www.refworld.org/docid/3eda26b84.html>; see also U.S. Dept. of State, *Tajikistan 2020 Human Rights Report*, at 21 (“State Dept. Report”), <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

	<p>and Social Protection, Labour, Migration and Public Employment, and Foreign Affairs.<sup>4</sup></p> <p>The U.S. State Department also has reported that the Department of Citizenship and Works with Refugees, falling within the Passport Registration Services (itself within the Ministry of Internal Affairs) has had primary responsibility for refugee issues.<sup>5</sup></p>
<p><b>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</b></p>	<p>Yes, the Tajikistan refugee protection program appears to be functional.</p> <p>According to the Refugee Law, an asylum seeker’s application for refugee status “shall be examined no later than three months after the day of its registration by internal affairs body.” This period can be extended if the internal affairs body encounters difficulties.<sup>6</sup></p> <p>There is not much data or information available reflecting the time to obtain a decision on an application for asylum or refugee status in Tajikistan.</p> <p>However, there is data about refugee populations and asylum applications. The UNHCR reports that in 2019, there were 3,788 refugees under UNHCR’s mandate, with 1,413 asylum seekers. In 2020 the number of refugees increased significantly (to 5,588), while the number of reported asylum seekers dropped to 408.<sup>7</sup></p> <p>In other data, the UNHCR reported 3,235 asylum applications in 2019, and 1,090 in 2020.<sup>8</sup> In 2019, 1,920 applications were recognized, while 210 were rejected—a recognition rate of 90% of the 2,130 cases in which decisions were issued. In 2020, 1,935 out of 2,080 total decisions recognized the application, while only 145 were rejected—a rate of 93%.</p>

<sup>4</sup> Migration Profile, <https://migrants-refugees.va/country-profile/tajikistan/>.

<sup>5</sup> State Dept. Report, at 22, <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>6</sup> Refugee Law, Art. 11(1). <https://www.refworld.org/docid/3eda26b84.html>

<sup>7</sup> UNHCR Statistics, Tajikistan, <https://www.unhcr.org/refugee-statistics/download/?url=6gabBL>

<sup>8</sup> UNHCR Statistics, Tajikistan, <https://www.unhcr.org/refugee-statistics/download/?url=6HbS6f>

<p><b>Do refugees have a right to work? A right to education? A right to medical care?</b></p>	<p>Yes, refugees and asylum seekers have several rights afforded to them under the Tajikistan Refugee Law.</p> <p>Refugees and asylum seekers are entitled to “work and engage in entrepreneurial activity in accordance with the legislation of the Republic of Tajikistan.”<sup>9</sup> By law, then, refugees should not be required to obtain a work permit in order to work in Tajikistan. That said, recognized refugees (meaning after their applications are approved) are granted work permits and temporary residence permits; note, however, that refugees recognized under the UNHCR’s mandate only after exhausting the national asylum system are not able to get work permits or temporary residence permits.<sup>10</sup></p> <p>Some entities have reported practical difficulties for refugees in seeking work in Tajikistan, such as the lack of a clear or concrete integration program for refugees, insufficient funding or institutional resources, etc.<sup>11</sup></p> <p>Asylum seekers (and their families) also have a right to receive “primary and secondary education,” “emergency medical aid in the state health institutions,” and “social aid in the manner prescribed by the Government of the Republic of Tajikistan.”<sup>12</sup></p> <p>Then, once an asylum seeker is recognized as a refugee and receives the Certificate, he or she has several rights, including residing in Tajikistan for the period of their recognition (subject to the list of prohibited areas noted below); “medical aid, job placement, employment or entrepreneurial activity in accordance with the normative legal acts of the Republic of Tajikistan”; receive primary and secondary education; to “receive financial and other kinds of assistance” from the government; and “enjoy other rights stipulated in the legislation of the Republic of Tajikistan for foreign citizens and stateless persons permanently residing in Tajikistan.”<sup>13</sup></p>
--	---

<sup>9</sup> Refugee Law, Art. 10(1). <https://www.refworld.org/docid/3eda26b84.html>

<sup>10</sup> UNHRC Periodic Review, at 2, <https://www.ecoi.net/en/file/local/2052309/60ae42284.pdf>.

<sup>11</sup> See Committee on Economic, Social and Cultural Rights, *NGO Report on Tajikistan’s Implementation of the International Covenant on Economic, Social and Cultural Rights* (Feb. 23 to Mar. 6, 2015) (“2015 NGO Report”), [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/TJK/INT\\_CESCR\\_CSS\\_TJK\\_19278\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/TJK/INT_CESCR_CSS_TJK_19278_E.pdf)

<sup>12</sup> Refugee Law, Art. 10(1). <https://www.refworld.org/docid/3eda26b84.html>

<sup>13</sup> Refugee Law, Art. 12(1). <https://www.refworld.org/docid/3eda26b84.html>

<p><b>Are those seeking refugee protection free to live freely or forced to reside in camps?</b></p>	<p>Refugees and asylum seekers are not required to reside in camps. And the Refugee Law contains no express restrictions or limitations on where such individuals may live.</p> <p>However, the U.S. State Department has reported that the Tajikistan government places “significant restrictions on asylum seekers and registered refugees.”<sup>14</sup> In particular, a 2000 Resolution of the Government (No. 325) prohibits asylum seekers and registered refugees from living in certain areas, including the capital city of Dushanbe and other major urban areas, as well as many border areas.<sup>15</sup> This Resolution has been criticized by NGOs and refugee advocates.<sup>16</sup> Although the Tajikistan government removed some settlement areas from the prohibited list in 2004,<sup>17</sup> it appears that the remaining restrictions—including Dushanbe and Khujand, the country’s two largest areas—are still in place.</p> <p>These limitations negatively impact refugees’ ability to access employment, healthcare, education, and other services.<sup>18</sup> Moreover, Tajikistan law enforcement’s enforcement of Resolution No. 325 can lead to detention and may also create an administrative penalty that can then be used as a basis for removing refugee status, precluding the refugee from petitioning for refugee status, and/or deportation.<sup>19</sup> The U.S. State Department has reported that “[s]ecurity officials regularly monitored refugee populations,” while “[p]olice subjected them to raids if they were believed to be residing in prohibited areas.”<sup>20</sup> Other entities have reported similar</p>
--	---

<sup>14</sup> State Dept. Report, at 22, <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>15</sup> State Dept. Report (citing Government Resolution No. 325), <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>; see also Tajikistan, Government Resolution #325 (July 26, 2000), <https://www.refworld.org/pdfid/415a68a54.pdf>.

<sup>16</sup> Coalition of NGOs of Tajikistan, *NGO Report on the Republic of Tajikistan’s Implementation of the International Covenant on Civil and Political Rights* (2013) (“2013 NGO Report”), [https://www.fidh.org/IMG/pdf/ngoscoalition\\_tajikistan\\_en.pdf](https://www.fidh.org/IMG/pdf/ngoscoalition_tajikistan_en.pdf) (at 23-26); UNHCR Periodic Review, at 7-8, <https://www.ecoi.net/en/file/local/2052309/60ae42284.pdf>.

<sup>17</sup> Tajikistan Government Resolution #328 (Aug. 2, 2004) (removing several settlement areas from the list of those prohibited for asylum seekers and refugees), <https://www.refworld.org/pdfid/415a69314.pdf>.

<sup>18</sup> UNHCR Periodic Review, at 2, <https://www.ecoi.net/en/file/local/2052309/60ae42284.pdf>.

<sup>19</sup> See UNHCR Periodic Review, at 9, <https://www.ecoi.net/en/file/local/2052309/60ae42284.pdf>; see also 2013 NGO Report, at 25-26, [https://www.fidh.org/IMG/pdf/ngoscoalition\\_tajikistan\\_en.pdf](https://www.fidh.org/IMG/pdf/ngoscoalition_tajikistan_en.pdf).

<sup>20</sup> State Dept. Report, at 22, <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

	<p>concerns with Tajikistan security officials deporting people applying for refugee status after an initial investigation.<sup>21</sup></p> <p>In addition, the Refugee Law allows the internal affairs body to establish temporary accommodation centers for asylum seekers applying for refugee status. The Tajikistan government also may establish a yearly quota of incoming refugees for purposes of these accommodations.<sup>22</sup> It is not clear, however, whether and to what extent Tajikistan offers or maintains these types of temporary accommodation centers—or whether less formal refugee camps exist.</p>
<p><b>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent status available for people with refugee status?</b></p>	<p>Yes, the grant of refugee status allows an individual to remain in Tajikistan lawfully. This, in turn, allows the individual under the Refugee Law to a right to “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.”<sup>23</sup></p> <p>Note, however, that Tajikistan law does not provide for any expedited or simplified naturalization procedure, meaning refugees are generally on equal standing with nonrefugee foreigners when applying for citizenship.<sup>24</sup></p> <p>In addition, Tajikistan passed an Amnesty Law, effective January 7, 2020, that allows foreign nationals and stateless people irregularly residing in the country to regularize their stay, by obtaining residence permits that also enable them to apply for Tajik citizenship after three years.<sup>25</sup> The law applies to foreign nationals and stateless persons who entered Tajikistan before December 31, 2016, and who remain in the country in violation of the typical rules under Tajikistan law.<sup>26</sup></p>

<sup>21</sup> See 2013 NGO Report, [https://www.fidh.org/IMG/pdf/ngoscoalition\\_tajikistan\\_en.pdf](https://www.fidh.org/IMG/pdf/ngoscoalition_tajikistan_en.pdf) (at 27-28).

<sup>22</sup> Refugee Law, Art. 15(3). <https://www.refworld.org/docid/3eda26b84.html>

<sup>23</sup> Refugee Law, Art. 12(1). <https://www.refworld.org/docid/3eda26b84.html>.

<sup>24</sup> State Dept. Report, at 22, <https://www.state.gov/wp-content/uploads/2021/03/TAJKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>25</sup> UNHCR, *UNHCR Welcomes Tajikistan’s New Law Tackling Statelessness* (Jan. 30, 2020), <https://www.unhcr.org/en-us/news/press/2020/1/5e32a8e74/unhcr-welcomes-tajikistans-new-law-tackling-statelessness.html>.

<sup>26</sup> Law on Amnesty Related to Legalization of Stateless Persons and Foreign Nationals Illegally Residing in the Territory of the Republic of Tajikistan (Jan. 7, 2020) (“Amnesty Law”), [www.refworld.org/docid/5e7086664.html](http://www.refworld.org/docid/5e7086664.html).

	<p>The law applies to several categories of persons, including stateless persons with expired or lost residence permits issued by a foreign state; persons with a passport of the former Soviet Union (or who lost such passport) and who are neither nationals of a foreign state nor of Tajikistan; persons with a birth certificate issued in the former Soviet states (or who have lost such birth certificate) and who are neither nationals of foreign states nor of Tajikistan; persons who have not received identity documents and who are not nationals of Tajikistan; foreign nationals without documents confirming their belonging to a foreign state (or whose documents have expired or are invalid); and foreign nationals staying within Tajikistan who are not eligible to obtain a Tajik visa, cannot register their foreign passports, and cannot submit documents to stay for permanent residence.<sup>27</sup></p> <p>To obtain legalization, one must file an application to the internal affairs body. The application process appears to be largely within the discretion of the government and the internal affairs body, though applications for permanent residence should be considered within six months after the date all required documents are submitted. If the application is accepted, the applicant will receive a certificate confirming their registration, and the individual receives amnesty from laws otherwise rendering their residence in Tajikistan illegal.<sup>28</sup></p>
<p><b>Does the country offer temporary protections available other than refugee status? If so, what are they?</b></p>	<p>Tajikistan appears to only offer refugee status, aside from the relief available under the Amnesty Law noted above.</p>
<p><b>What, if any, penalties are there for people without status or people who are denied refugee protection?</b></p>	<p>A person whose request for refugee status is rejected “shall be obliged to leave” Tajikistan “not later than one month from the day the notification of rejection was received, unless he has other legal grounds to stay” in Tajikistan. However, if new circumstances exist, such a person may reapply.<sup>29</sup></p>

<sup>27</sup> Amnesty Law, Art. 2(1)-(2). <https://www.refworld.org/docid/5e7086664.html>

<sup>28</sup> Amnesty Law, Art. 4 & 5. <https://www.refworld.org/docid/5e7086664.html>

<sup>29</sup> Refugee Law, Art. 11(11), <https://www.refworld.org/docid/3eda26b84.html>.

	<p>If a refugee does not apply for refugee status in compliance with the procedures set forth in the Refugee Law, then he or she will most likely be deemed to have entered or stayed in the country illegally, in violation of other Tajikistan laws.<sup>30</sup></p> <p>Under the Refugee Law, any asylum seeker or other applicant for refugee status, recognized refugee, or refugee whose status has ceased or cancelled “cannot be returned or deported against their will to the territory of a state where their life and freedom would be threatened on account of their race, religion, citizenship, membership of a particular social group or political opinion.” These protections do not apply, however, if the refugee is deemed to be a danger to national security or have been convicted of a serious crime and constitute a danger to the country.<sup>31</sup></p> <p>Moreover, the U.S. Department of State has observed an apparent conflict between the Refugee Law—which states that illegal entry is not a crime—and Tajikistan’s criminal code, which criminalizes asylum seekers who entered the country illegally.<sup>32</sup> This ambiguity (if not direct conflict) means asylum seekers are at risk of arrest and deportation without access to the asylum procedures.</p>
<p><b>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</b></p>	<p>UNHCR is active in Tajikistan, maintaining an office in Dushanbe staffed with 12 individuals. Address: 39 Ayni Street, 734024, Dushanbe, Tajikistan. Tel: 992 44 600 5600. Email: <a href="mailto:tjkdu@unhcr.org">tjkdu@unhcr.org</a>.<sup>33</sup></p> <p>UNHCR supports the government in strengthening the national asylum system and helping refugees achieve full self-reliance. This includes work with the government and NGO partners in promoting the inclusion of refugees in the country’s economy,</p>

<sup>30</sup> Refugee Law, Art. 6(4), <https://www.refworld.org/docid/3eda26b84.html> (an entrant claiming refugee status shall be detained *without* applying “sanctions established by the legislation . . . for illegal entry or stay”); see Criminal Code, Art. 335 (exempting from foreign persons who arrive to assert rights as a refugee), [www.legislationline.org/download/action/download/id/1707/file/207b8150765af2e85ad6f5bb8a44.htm/preview](http://www.legislationline.org/download/action/download/id/1707/file/207b8150765af2e85ad6f5bb8a44.htm/preview).

<sup>31</sup> Refugee Law, Art. 14(1)-(2), <https://www.refworld.org/docid/3eda26b84.html>.

<sup>32</sup> State Dept. Report, at 21, <https://www.state.gov/wp-content/uploads/2021/03/TAJIKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>33</sup> <https://www.unhcr.org/en-us/tajikistan.html?query=tajikistan>.



Tajikistan

	<p>such as skills training, job placement, and improving access to education, healthcare, and social protections.<sup>34</sup></p> <p>International Organization for Migration (IOM) began working in Tajikistan in 1993. The IOM supports to the Tajikistan government by encouraging social and economic development through safe and well managed migration procedures and giving direct assistance to communities affected by migration in Tajikistan.<sup>35</sup> Address: 22A Azizbekov Street, 2<sup>nd</sup> Driveway, 734013, Dushanbe, Tajikistan. Tel: 992 48 701 0202. Email: <a href="mailto:Dushanbe@iom.int">Dushanbe@iom.int</a>.<sup>36</sup></p> <p>Refugees, Children, and Vulnerable Citizens (RCVC) is an NGO that works with the UNHCR in providing various forms of assistance and care to refugees, including medical services, legal advice, assistance with registration, educational and vocational programs, among others.<sup>37</sup> Address: Passage 6, 9/4 Muhammad St., Dushanbe, Tajikistan. Tel: 992 37 881 5157.</p>
<p><b>Is there other information that might be valuable for displaced people arriving in that country to know?</b></p>	<p>N/A</p>

<sup>34</sup> UNHCR, Tajikistan Fact Sheet (June 2021), <https://reporting.unhcr.org/sites/default/files/Tajikistan%20fact%20sheet%20June%202021.pdf>.

<sup>35</sup> <https://rovienna.iom.int/regional-presence/tajikistan>

<sup>36</sup> <http://www.iom.tj/index.php/en/>

<sup>37</sup> <https://revc.weebly.com/about.html>; see also State Dept. Report, at 22, <https://www.state.gov/wp-content/uploads/2021/03/TAJKISTAN-2020-HUMAN-RIGHTS-REPORT.pdf>.