

LAW OF THE REPUBLIC OF TAJIKISTAN

ON AMNESTY RELATED TO LEGALIZATION OF STATELESS PERSONS AND FOREIGN NATIONALS ILLEGALLY RESIDING IN THE TERRITORY OF THE REPUBLIC OF TAJIKISTAN

The present Law determines the legal and organizational grounds for a one-time state action on amnesty related to the legalization of the legal status of foreign nationals and stateless persons of the states of the former Union of Soviet Socialist Republics.

Article 1. Key definitions

The following key definitions are used in this Law:

– **amnesty** – exemption from administrative and criminal liability in respect to stateless persons and foreign nationals of the states, which were part of the former Union of Soviet Socialist Republics (hereinafter referred to as the stateless persons and foreign nationals) for violation of the rules of stay in the Republic of Tajikistan and crossing the State border of Tajikistan, as well as exemption from liability of officials and citizens of the Republic of Tajikistan for violation of the established order of residence for foreign nationals and stateless persons;

– **legalization of the legal status of foreign nationals and stateless persons** – the process of registration, issuance of permits for permanent residence in the Republic of Tajikistan formalized as a residence permit for foreign nationals and stateless persons illegally residing in the territory of the Republic of Tajikistan;

– **foreign nationals and stateless persons illegally residing in the Republic of Tajikistan** – foreign nationals and stateless persons staying in the territory of the Republic of Tajikistan without visas (if visa procedures for entry and stay is established), without registration of passports at the place of residence, with invalid documents, without documents;

– **legalization term** – the period provided for in Article 3 of this Law, during which foreign nationals and stateless persons illegally residing in the territory of the Republic of Tajikistan can apply to the internal affairs bodies at their place of residence for legalization of their residence.

Article 2. Scope of the present Law

1. Amnesty in connection with legalization applies to foreign nationals and stateless persons, who entered the Republic of Tajikistan before 31 December 2016 and stay in the territory of the Republic of Tajikistan with violation of the rules foreseen in the normative legal acts of the Republic of Tajikistan.
2. This Law shall apply to the following persons:
 - stateless persons, with valid or expired residence permits issued by a foreign state, stateless persons who have lost their residence permit issued by a foreign state or who have been deprived of a residence permit issued by a foreign state;

- persons, who have a passport of a citizen of the former Union of Soviet Socialist Republics or have lost such passport, who is neither a national of a foreign state, and who, in accordance with the legislation of the Republic of Tajikistan nor a national of the Republic of Tajikistan;
 - persons, who have a birth certificate issued in the States that were part of the former Union of Soviet Socialist Republics or who have lost a birth certificate, who are not nationals of foreign states and who, in accordance with the legislation of the Republic of Tajikistan, are not nationals of the Republic of Tajikistan;
 - persons, who have not received identity documents (passport of a citizen of the former Union of Soviet Socialist Republics, birth certificate), who are not considered as nationals of the Republic of Tajikistan in accordance with the legislation of the Republic of Tajikistan.
 - foreign nationals, who do not have documents confirming their belonging to a foreign state, whose documents have expired or whose documents are invalid;
 - foreign nationals, staying in border areas within the territory of the Republic of Tajikistan with valid passports issued by foreign states, but who in accordance with the legislation of the Republic of Tajikistan are not eligible to obtain a visa of the Republic of Tajikistan, cannot register their foreign passports and cannot submit documents to stay for permanent residence.
3. This Law shall not apply to the persons referred in paragraph 2 of this Article, if they:
- provided false information and false documents;
 - is a member of parties and other organizations whose activities are officially prohibited in the Republic of Tajikistan;
 - for other reasons are under criminal prosecution or are serving a sentence of imprisonment.

Article 3. Term for legalization of the legal status of foreign nationals and stateless persons

The term of legalization of the legal status of foreign nationals and stateless persons falling under the force of the Law shall be three years from the date of official publication of the present Law.

Article 4. Procedure for legalization of the legal status of foreign nationals and stateless persons

1. Legalization of the legal status of foreign nationals and stateless persons falling under the scope of this Law shall be carried out through their registration with the internal affairs bodies, submission of documents for permanent residence in the Republic of Tajikistan and issuance of residence permits to them.
2. For legalization in the territory of the Republic of Tajikistan, foreign nationals and stateless persons subject to this Law, apply to the internal affairs bodies with

an application for registration. After acceptance of the registration application, the applicants will receive a certificate confirming their registration.

3. Foreign nationals and stateless persons who have identity documents (passport of a former citizen of the Union of Soviet Socialist Republics, residence permit issued in foreign state, passports of foreign countries) are explained the procedure for applying for a residence permit in the Republic of Tajikistan.
4. In cases, where a person is unable to present any documents, the internal affairs bodies take necessary measures to collect information and obtain information from the applicant's place of birth, place of stay or last residence, as well as from the state whose citizenship the applicant's family members and parents have, as well as to establish him/her identity and determine his/her citizenship of a foreign State.
5. The procedure for registration of foreign nationals and stateless persons subject to this Law, samples of applications for registration, certificates, logbooks and other forms, as well as the procedures for establishing the identity and the citizenship shall be defined by the internal affairs bodies.
6. The procedure and terms for consideration of applications for permanent residence in the Republic of Tajikistan, registration and issuance of residence permits for foreign nationals and stateless persons falling under the scope of this Law shall be carried out in accordance with the legislation of the Republic of Tajikistan. Depending on the complexity of the case, which requires additional procedure for establishing the identity of the persons falling under the scope of this Law, applications for permanent residence in the Republic of Tajikistan shall be considered within the period not exceeding six months from the date of submission of all documents stipulated by the legislation of the Republic of Tajikistan.

Article 5. Amnesty related to the legalization of the legal status of foreign nationals and stateless persons

1. The persons specified in paragraph 2 of Article 2 of the present Law shall be exempted from administrative liability provided for in article 497, part 2 of Article 498, parts 1 and 2 of Article 499 of the Code of the Republic of Tajikistan on Administrative Offenses.
2. Officials and citizens of the Republic of Tajikistan shall be exempted from administrative liability provided for in Article 470 of the Code of the Republic of Tajikistan on Administrative Offenses in relation to stateless persons and

foreign nationals, who, within the period established by this Law, have legalized their stay in the Republic of Tajikistan.

3. Persons specified in paragraph 2 of Article 2 of the present Law shall be exempted from criminal liability envisaged under paragraph 1 of Article 335 and Article 336 of the Criminal Code of the Republic of Tajikistan. Amnesty with regard to the mentioned persons shall be applied in accordance with the procedure established by the criminal procedure legislation of the Republic of Tajikistan.

Article 6. State guarantees in respect of foreign nationals and stateless persons, who have legalized their legal status

The State guarantees the protection of the rights and freedoms of foreign nationals and stateless persons, who have legalized their legal status in Tajikistan in accordance with this Law.

Article 7. Responsibility for noncompliance to the present Law

Individuals and legal entities of the Republic of Tajikistan, who violate the requirements of this Law shall be held responsible in accordance with the legislation of the Republic of Tajikistan.

Article 8. Enactment of the present Law

The present Law shall come into force after its official publication.

President of the
Republic of Tajikistan
Emomali Rahmon
Dushanbe 18 December 2019 № 1652