

Turkmenistan

Draft

Migration Profile Light

2014

The text of the Migration Profile Light on Turkmenistan has been prepared by the Secretariat of the Prague Process based on the available public sources. The text was forwarded to the Ministry of Foreign Affairs of Turkmenistan on 1 February 2016 for consideration, comments or approval. In anticipation of reply, this version is published as a draft. The draft is a consultation document and cannot be considered as reflecting the official position of the country.



PURPOSE OF THE REPORT AND DISCLAIMER

After the adoption of the Building Migration Partnerships Joint Declaration in Prague in April 2009, the Building Migration Partnerships initiative (BMP) started to work on establishing the BMP Knowledge Base. The Knowledge Base, nowadays known as the Prague Process Knowledge Base, consists of a set of Extended Migration Profiles¹ elaborated and endorsed in 2010-2011 and the interactive online map (i-Map), which visualizes the available information.

The Prague Process Targeted Initiative (PP TI) is an EU-funded project, which builds upon the BMP initiative and implements selected priorities identified in the Prague Process Action Plan endorsed in Poznan in November 2011. One of the objectives of PP TI is to maintain the Knowledge Base, keep it up-to-date and develop it further.

While continuous attention to updating and developing Extended Migration Profiles remains, the PP TI has taken into account the feedback received from the Prague Process participating states and has proposed the concept of the Migration Profile Light. In comparison to the Extended Migration Profile, which from its name indicates that the information should be of thorough and detailed nature, the Migration Profile Light should be a handy tool with a limited number of pages clearly indicating the areas of interest. The Migration Profile Light should aim at key priorities and problems, easy annual updatability and standardized data for all countries involved.

The proposed Migration Profile Light (MPL) concept has been well received by the Prague Process participating states and Germany volunteered in testing the concept by filling in the template. The MPL on Germany has been developed and the process of its establishment has led to identification of gaps in the first template, which have been covered in cooperation with the PP TI Support Team at ICMPD. At the time of the publication, MPLs were prepared by Germany (2013), Hungary (2014), Republic of Armenia (2014), Czech Republic (2015), Republic of Kazakhstan (2015), and Republic of Uzbekistan (2015).

The aim of the PP TI is to establish the Knowledge Base as a useful tool consisting of state-owned migration profiles with standard and comparable data categories. While aiming at the seven leading states of PP TI and the PP TI non-EU participating states, the interest of the Prague Process is to collect national MPLs for all 50 Prague Process participating states.

The MPL is an exercise, which targets all states, believing that this will lead to mutual understanding of the migration situation in partner states, existing migratory flows, priorities, problems and interests. The MPL should serve as an informative but also policy making tool. In case of need, methodological and expert support is planned to contribute to the development of MPL in states with limited experience with such exercise.

Ownership and responsibility of the content in terms of data provided in this Migration Profile resides solely with the country elaborating the report.

1 Albania (endorsed 2010), Armenia (2011), Azerbaijan (2010), Bosnia and Herzegovina (2010), Czech Republic (2010), Georgia (2011), Hungary (2011), Kazakhstan (2010), Kyrgyzstan (2011), Poland (2010), Romania (2010), Slovakia (2010), Tajikistan (2010), Ukraine (2011).

The PP TI Support Team within the International Centre for Migration Policy Development (ICMPD) is ready to help and can be contacted at ppti@icmpd.org. The Knowledge Base of the Prague Process is accessible at www.pragueprocess.eu and www.imap-migration.org, section Prague Process.

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1. BACKGROUND INFORMATION ON THE COUNTRY

1.1. Size, Population, Bordering Countries and Length of Borders

Official name	Turkmenistan
Capital	Ashgabat
Size	491,200 km ²
Population	5,240,502 (2013)
Bordering countries	Afghanistan and Iran to the South, Kazakhstan and Uzbekistan to the North
Length of borders	3,736 km (with Uzbekistan – 1,621 km, with Kazakhstan - 379 km, with Afghanistan - 744 km, with Iran- 992 km)

1.2. Short Characteristics of the Country

Upon gaining its independence on October 26, 1991, Turkmenistan joined international migration processes primarily as a sending country. Back then external migration was characterized by the predominance of emigration, especially by the outflow of Russian-speaking and other non-indigenous population. From the beginning of 1989 to the beginning of 2001, the number of Turkmen in Turkmenistan doubled (from 2.5 to 4.9 million), while the number of the Russians decreased threefold, with slightly over 100 thousand remaining out of the former 334 thousand.² As of 2014, migration exchange of the country is insignificant and mainly involves the post-Soviet states.

As its key task the national program of socio-economic development of Turkmenistan for 2011-2030 envisages a significant increase in the standards of living, as well as Turkmenistan joining the ranks of economically developed countries characterised by high human development index.

Because of the importance of migration issues the Law on Migration was adopted on December 7, 2005. The law establishes the procedure for entry, stay on and departure from the territory of Turkmenistan of Turkmenistan citizens, foreign citizens and stateless persons. It also defines the legal relations in the sphere of migration and the competence of government authorities in regulating migration processes.

² Available at <http://demoscope.ru/weekly/037/evro010.php>, last accessed on October 6, 2015.

On March 31, 2012, a new law "On migration" came into force, which differs from the previous document enacted on December 7, 2005 in a number of articles. In particular, the list of the grounds to refuse an entry visa was taken out of the Chapter III "Residence permit in Turkmenistan" and applied to all categories wishing to enter the country. According to the article 11, in addition to reasons related to international and national security, a foreign citizen or stateless person can be refused a visa in case she or he is infected by a disease included by the Ministry of Health and Medical Industry of Turkmenistan in the list of diseases harmful to the health of the population of Turkmenistan.³

2. MIGRATION FLOWS AND STOCKS OF IMMIGRANTS AND EMIGRANTS

2.1. Migration Flows

International migration of Turkmenistan's population is characteristically small in volume, especially in comparison with other countries of the Central Asia. As of 2014, according to preliminary calculations, the net migration rate in Turkmenistan is - 1.86 per 1,000 people.

According to analysts, the flow of migrants has tripled since 2007. The flow is directed mainly to Turkey, Iran, UAE, Russia, the CIS countries and the EU. According to preliminary estimates of the State Migration Service, more than 150 thousand people left the country in 2012, of whom more than 110 thousand are thought to have left for good. These mostly left the country with tourist visas.⁴

Since gaining independence, as its main migration trends the country has witnessed ethnic migration of people to their historical homeland with the external emigration flow mostly ethnic in character. According to statistics, emigration flows are directed mainly to the countries of the former Soviet Union, of which the Russian Federation is the principal host country for emigrants from Turkmenistan. Predominant in this flow are non-titular nationalities.

Table 1. Migratory exchange between Russia and Turkmenistan in 1991-2005, (pers.)⁵

Ethnic origin	1991-1995	1996-2000	2001-2005
Turkmen	2,061	-1,874	652

According to statistics of the Federal Migration Service (FMS) of Russia on the number of foreign citizens in the country, there were about 23 thousand Turkmen citizens (about 15 thousand men and about 8 thousand women) in Russia.

³ In particular, the list includes human immunodeficiency virus (HIV), sexually transmitted diseases and drug addiction.

⁴ *Turkmenistan: Migration flows are growing.* Available at <http://demoscope.ru/weekly/2012/0527/gazeta021.php>, last accessed on November 11, 2015.

⁵ "The migration potential of the new independent states and the requirements to direct it to Russia." Report by the Director of the Centre for Geopolitical Studies of the RAS Institute of Social and Political Studies L.L. Rybakovsky, 2009.

Table 2. The ratio of titular nationality arrivals to Russia to the total number of titular nationals in the country of origin, per 1,000 people

Country of origin	1989	1999	2006
Turkmenistan	1.30	0.14	0.06

The dynamics of migration intensity ratio from Turkmenistan to Russia shows a tendency to decrease. In 1989 arrivals intensity ratio was 1.30 (to compare: for the citizens of Ukraine it was 2.31, 0.73 for the Uzbeks and 0.65 for Tajiks). Ten years later, in 1999, the ratio was 0.14 and 0.06 in 2006, indicating a significant reduction in the intensity of arrivals of Turkmen to Russia. The intensity of inflows declined more than two times in 2006 compared to 1999 and more than 20 times compared to 1989.

Table 3. The ratio of the ethnic Russians arrived to Russia to their number in the country of origin (Turkmenistan), per 1,000 people⁶

Country of origin	1989	1999	2006
Turkmenistan	14.07	17.11	7.73

Table 4. The number of ethnic Russians in Turkmenistan, according to the censuses of 1989 and 1995 (latest census), thousand persons

Country	1989	Latest census	Difference for the number of years	Change rate, %	Annual average change rate	Estimate number as of 2001
Turkmenistan	334	299 (1995)	-35 (7)	89.5	1.57	272

The tendency for the Russian emigration to predominate has been persistent since the country gained independence. Representatives of other Slavic nationalities take small share in the total flow, which corresponds to their relatively low share in the structure of the total population and their migration potential.⁷ Emigration flows to other countries of the Central Asia, including Kazakhstan, which is the second largest migrant receiving country on the post-Soviet space after Russia, is negligible.

⁶ In 1999, the rate of outflow of the Russian population of Turkmenistan was higher compared to the period before the collapse of the USSR (1989). This represents the general trend among the majority of the countries of the former Soviet Union. In 2006 the intensity of the arrivals of ethnic Russians to Russia from Turkmenistan, as well as from all the other countries of the former Soviet Union with the exception of Kyrgyzstan, decreased compared to 1999 with the ratio of 2.2 (for comparison, in Tajikistan it was 2.6, 2.7 in Azerbaijan, 3.7 in Kazakhstan, 4.1 and Georgia). Ibid, p. 9.

⁷ As of 2003, the ethnic composition of Turkmenistan is represented by 85% of Turkmen, 5% of Uzbeks, 4% of Russians and 6% of other ethnic groups. Available at: <https://www.cia.gov/library/publications/the-world-factbook/fields/2075.html>, last accessed on October 20, 2015.

Table 5. Arrivals from Turkmenistan to Russia and departures from Russia to Turkmenistan in 1989-2007

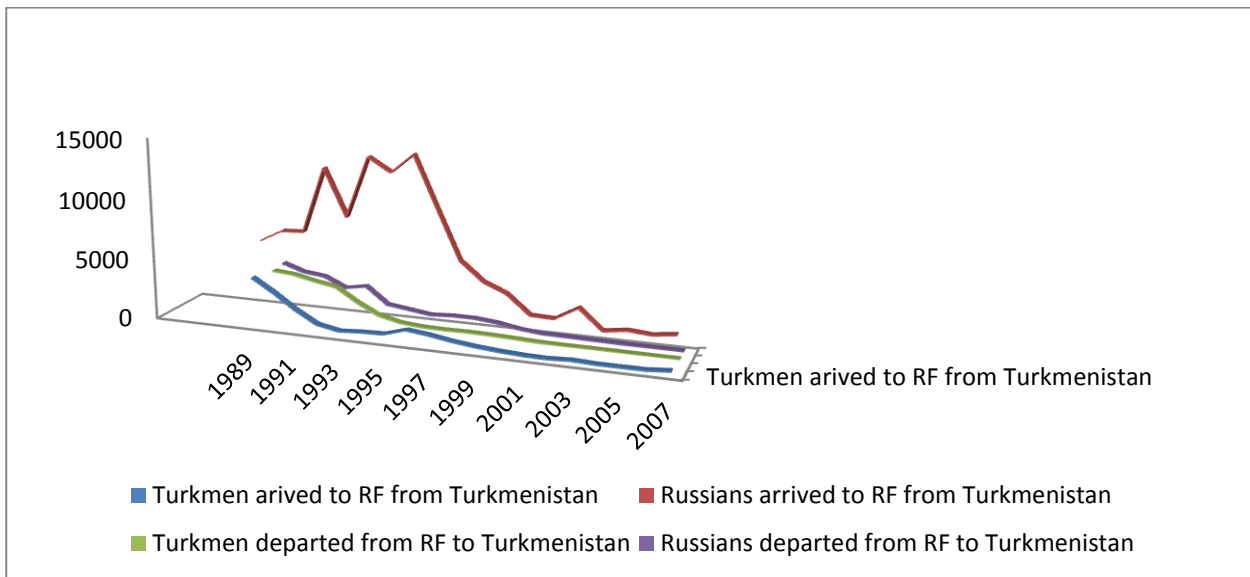
Year	Arrivals from Turkmenistan		Departures to Turkmenistan		Net migration		MEER ⁸	
	Turkmen	Russians	Turkmen	Russians	Turkmen	Russians	Turkmen	Russians
1989	4,130	6,785	3,707	3,884	423	2,901	898	572
1990	3,032	7,716	3,552	3,284	-520	4,432	1,172	426
1991	1,799	7,793	3,158	3,077	-1,359	4,716	1,755	395
1992	782	13,118	2,842	2,263	-2,060	10,855	3,634	173
1993	438	9,312	1,718	2,588	-1,280	6,724	3,922	278
1994	562	14,241	804	1,205	-242	13,036	1,431	85
1995	615	13,144	400	965	215	12,179	650	73
1996	1,166	14,689	245	715	921	13,974	210	49
1997	958	10,621	214	829	744	9,792	223	78
1998	662	6,623	239	821	423	5,802	361	124
1999	448	5,116	208	643	240	4,473	464	126
1989-1999	14,592	109,158	17,087	20,274	-2,495	88,884	1,171	186
2000	291	4,330	149	325	142	4,005	512	75
2001	193	2,819	64	151		2,668	332	54
2002	161	2,756	40	127	121	2,629	248	46
2003	254	3,818	32	94	222	3,724	126	25
2004	179	2,197	27	70	152	2,127	151	32
2005	177	2,461	20	43	157	2,418	113	17
2006	190	2,310	14	44	176	2,266	74	19
2007	342	2,543	14	33	328	2,510	41	13
2000-2007	1,787	23,234	360	887	1,298	22,347	1,556	268

Source: Report by L.L. Rybakovsky, 2009

Outside the CIS one of the main destinations for the citizens of Turkmenistan for work and permanent residence is Turkey, which became more attractive after the Turkish authorities had decided to simplify the visa regime.

Fig. 1. Arrivals from Turkmenistan to Russia and departures from Russia to Turkmenistan in 1989-2007

⁸ MEER - migratory exchange efficiency rate



According to Eurostat, the migration of citizens of Turkmenistan to the EU countries is insignificant.

Table 6. Immigration of the Turkmen citizens to the countries of the EU (flows) in 2010-2012 as of 31 December of each year

Country	Year	2009	2010	2011	2012
Austria	:	:	:	45	37
Belgium	:	:	96	102	60
Bulgaria	:	:	:	:	33
Czech Republic	888	141	105	153	
Denmark	12	16	22	14	
Germany	:	:	:	:	
Estonia	5	0	5	3	
Ireland	7	7	8	7	
Greece	:	:	:	:	
Spain	52	60	96	74	
France	:	:	:	:	
Croatia	:	:	0	0	
Italy	110	126	67	62	
Iceland	0	0	1	3	
Cyprus	:	:	:	:	
Latvia	:	:	:	:	
Lithuania	9	3	2	9	
Luxemburg	2	1	1	2	
Hungary	11	15	8	16	
Malta	:	:	:	:	
Netherlands	29	26	38	24	

Romania	2	2	2	3
Slovenia	5	5	5	0
Slovakia	4	13	0	1
Finland	24	14	10	14
Sweden	231	307	400	343
Norway	19	26	39	36
Switzerland	70	77	62	75
Total	1,480	935	1,018	969

Source: EUROSTAT database

2.2. Migration Stock

The site of the State Statistics Committee does not publish data on population migration. Experts estimate that as of 2014 there are 500 thousand Turkmen citizens residing in Turkey. The city of Bursa hosts a large market of foreign migrant labour, most of whom are citizens of Turkmenistan. According to statistics, some Turkmenistan citizens remain in the country illegally upon the expiration of one month visa.⁹

The main contingent of migrant workers are women, employed in the services sector, including those living in families and caring for children, the sick and the elderly.

In January 2013 Fergananeews.com News Agency, citing unofficial Turkmen sources, reported that up to 60 thousand citizens of Turkmenistan were then staying in Turkey earning money.

Table 7. Immigration of Turkmenistan citizens to the EU, Norway, Switzerland and Turkey in 2008-2013

Country	Year					
	2008	2009	2010	2011	2012	2013
Austria	7	:	:	34	24	:
Belgium	0	:	:	:	9	18
Bulgaria	9	8	3	3	5	4
Czech Republic	2	2	1	0	0	0
Denmark	0	:	:	:	9	18
Germany	147	:	:	:	:	:
Estonia	0	0	0	0	1	1
Ireland	0	0	0	0	0	0
Iceland	2	4	6	8	4	9
Croatia	0	:	:	0	0	1
Italy	48	22	11	5	6	10
Lithuania	4	2	4	0	3	4
Luxemburg	0	0	0	0	0	0
Hungary	1	2	3	5	2	5
Malta	:	:	:	:	:	:

⁹ Available at <http://www.gundogar.org/?0221051306400000000000011000000>, last accessed on September 19, 2015.

Netherlands	5	8	2	6	4	3
Poland	6	:	:	:	:	:
Portugal	0	:	:	:	:	:
Romania	0	0	1	15	31	34
Slovenia	0	0	0	0	0	0
Slovakia	0	1	0	0	0	0
Finland	3	3	1	0	1	0
Sweden	8	7	:	5	1	2
Norway	6	3	7	3	2	2
Switzerland	7	8	7	17	4	6
Turkey	602	1,211	1,186	1,304	:	:

Source: database EUROSTAT 2008-2013

Table 8. Emigration of the citizens of some EU countries, Norway and Switzerland to Turkmenistan, 2008-2013.

Country	Year 2008	2009	2010	2011	2012	2013
Austria	4	:	:	7	10	:
Belgium	:	:	1	0	1	6
Bulgaria	0	:	:	:	0	7
Denmark	1	0	0	0	1	1
Germany	91	:	:	:	:	:
Estonia	0	0	0	0	0	0
Ireland	0	0	0	0	0	0
Iceland	2	0	0	1	1	1
Croatia	0	:	:	0	0	0
Italy	0	0	1	4	0	3
Lithuania	3	2	1	0	3	4
Luxemburg	0	0	0	0	0	0
Hungary	:	0	0	1	0	0
Netherlands	:	2	0	2	1	1
Poland	1	:	:	:	:	:
Romania	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0
Slovakia	0	0	0	0	0	0
Finland	0	0	0	0	0	0
Sweden	1	:	:	3	0	0
Norway	0	2	1	0	2	2
Switzerland	1	7	1	2	1	11

Source: EUROSTAT database

3. LEGAL MIGRATION WITH SPECIAL FOCUS ON LABOUR MIGRATION

3.1. Responsible State Authorities

The Foreign Ministry of Turkmenistan decides on issuing visas to foreign nationals wishing to visit Turkmenistan. In case of refusal the cost of a special invitation from the Turkmen side (about 100 US dollars), requisite to obtain a visa, will not be reimbursed.

The Migration Service provides for the regulation of the migration system of Turkmenistan, as well as the implementation of state policy in the field of migration and adherence to international agreements of Turkmenistan on migration issues. The Service records the entry and exit of foreign nationals arriving to Turkmenistan; keeps records of foreign citizens at the place of stay in the country; arranges visa for entry to and exit from Turkmenistan, residence permits and work permits to foreign nationals. The service also maintains a database of migration processes and arranges biometric passports for the citizens of Turkmenistan to leave the country.

Since 2004, the Turkmenistan State Service for the registration of foreign citizens began to perform functions related to the registration of Turkmenistan citizens' entry and exit from the country at the state border. Since 2005 it started to conduct the reception and preparation of documents for admission to, restoration of and renouncing the citizenship of Turkmenistan, as well as arranging permits for the citizens of Turkmenistan to leave the country for permanent residence abroad.

On April 17, 2008 the Turkmenistan State Service for the registration of foreign citizens was renamed the State Migration Service. Since July 2008, the Service was assigned the function of registering biometric data passports.

3.2. Policy and Policy Documents

The legal framework providing for the regulation of migration is based on the relevant articles of the Constitution, the law on migration, as well as the provisions contained in bilateral and multilateral agreements. In this sphere also active are legal acts to be found in the system of administrative, customs, tax, investment, banking legislation of Turkmenistan.

Freedom of movement is guaranteed by the article 24 of the Constitution (as amended on December 26, 2006), notifying that the "limits to entry certain territories of the country, free movement within these territories or limitations of free movements of certain persons can be established only by law." Thus, the Constitution does not directly guarantee freedom of entry and exit from the territory of Turkmenistan, but the article 6 of the Constitution, which proclaims the priority of international law can be used as a justification of this right, guaranteed by the article 12 of the International Covenant on Civil and Political

Rights 1966 (ICCPR), joined by Turkmenistan on August 1, 1997 and which recognizes freedom of movement as a requisite condition of free development of each individual. In addition, the right to freely enter and leave Turkmenistan is established by the article 1 and 26 of the law **On procedure of exit from and entry to Turkmenistan by the citizens of Turkmenistan** of June 15, 1995 (with subsequent amendments dated April 22, 2002 and June 14, 2003).

In accordance with the Law "**On Migration**" the Turkmen authorities may deny a foreigner a visa if *his/her residence on the territory of Turkmenistan is contrary to the interests of national security of Turkmenistan, may disrupt public order or cause moral damage to the population of the country or if it is required to protect the rights and legitimate interests of the citizens of Turkmenistan.*

The procedure and conditions of registration, issuance, refusal to issue, revocation, renewal of work permits for employment in Turkmenistan to foreign citizens and stateless persons is determined by the **Regulations on the procedure for employment of foreign nationals in Turkmenistan**, approved by the Decree of the President of December 5, 2013, according to which, while employed, foreign nationals enjoy the same rights and bear the same responsibilities as the citizens of Turkmenistan.

Work permits. Foreign nationals residing in Turkmenistan may work in enterprises, institutions and organizations or engage in other employment on the grounds and in the manner established by the labour legislation applicable to the citizens of Turkmenistan. To carry out working activities, foreign citizens and stateless persons must have work permits.

Foreign citizens arriving to Turkmenistan for the purpose of employment are entitled to work in the country on the basis of permits issued by the employer, and in case if there is evidence authorizing to pursue work activities in Turkmenistan. Foreign workers to obtain work permits need to apply for entry visa and registration at the place of residence or place of stay.¹⁰

The principle of pre-emptive right of citizens of Turkmenistan for vacant jobs is applied when issuing work permits, as well as known ratio of Turkmen citizens and foreign nationals employed at an enterprise, where the number of foreigners should not exceed 30% of the total number of employees.

The requirement to obtain a work permit in Turkmenistan does not apply to the following persons: stateless persons having identity documents issued by the authorized state bodies of Turkmenistan; members of diplomatic missions, consular institutions of foreign states and representations of international organizations accredited by the Ministry of Foreign Affairs; foreign employees of scientific, educational and cultural institutions, established in accordance with the laws and international treaties of Turkmenistan, as well as official representatives of international humanitarian organizations and charities; correspondents (journalists) of foreign mass media, accredited by the Ministry of Foreign Affairs of Turkmenistan, foreign employees of religious organizations officially registered in Turkmenistan, foreign citizens, stateless persons, invited by the ministries and departments of Turkmenistan in agreement with the Cabinet of Ministers for the implementation of teaching, research, cultural and educational activities, including short or part-time training sessions and seminars at educational institutions of Turkmenistan; foreign citizens, stateless persons coming to Turkmenistan for up to one month to carry out financial, audit and other checks, official negotiations, contracts, as experts, employees of foreign legal persons coming to Turkmenistan for up to one month for the installation, maintenance and implementation of equipment

¹⁰ *The registry of general and labour migration in the CIS countries. Note by the CIS Statistical Committee, the Workshop on Migration Statistics, Chisinau, Republic of Moldova, 8-9 September 2014.*

maintenance; founders, shareholders, managers of legal entities (their subsidiaries and representations) and foreign nationals, stateless persons within the management structure of foreign legal persons who are not in labour relations in accordance with labour legislation of Turkmenistan; foreign students enrolled full-time at the educational institutions and working in off-school time and during the holidays in these institutions; foreign citizens on probation, stateless persons, members of the crews of vehicles of foreign countries engaged in international carriage of goods and passengers, persons granted asylum in Turkmenistan, persons recognized as refugees by law, persons applying for refugee status and those who received a temporary certificate registering application for refugee status, persons who received residence permits in Turkmenistan, foreign citizens, stateless persons, for whom the international treaties joined by Turkmenistan establish different procedure for attracting them to work.

Procedure for issuing work permits. To obtain a work permit for foreign nationals an employer provides the State Migration Service of Turkmenistan an application and a package of documents. The application is signed by an official authorized to do so by the employer. The timing for processing the application and documents attached thereto is 30 calendar days from the date of their submission, which may be extended up to 45 calendar days.

For attracting foreigners to labour activity, an employer is to be charged a fee of 25 USD for each month of work of a foreign citizen. In case of attracting foreign labour force for the sake of industrial development, state enterprises and organizations of Turkmenistan pay a fee of 50 manat or an equivalent amount in a freely convertible currency for each month of work of a foreign citizen.

The decision to refuse issuing or renewing work permits to foreign nationals in Turkmenistan, as well as to refuse the transfer of a foreigner from one employer to another shall be sent in writing to the employer within 5 working days of the decision. Work permit in Turkmenistan is valid for up to one year. Attracted by the employer foreigners are authorized to carry out only those professional activities mentioned in the resolution.

In case of a loss of a work permit, an employer must immediately contact the authorities of the State Migration Service and apply for a duplicate work permit, stating the causes of the loss. Following the approval of actual issuance and loss of a work permit, a duplicate is issued within 5 working days.

For the renewal of a work permit one must apply to the bodies of the State Migration Service of Turkmenistan 2 months prior to the expiry of a work permit with a standard form, accompanied by documents required according to the procedure. Work permit can be extended for up to one year.

A work permit may be cancelled in the following cases: if violations detected are not eliminated by an employer or a foreign national within the period specified in the decision on suspension of work permits; in case an employer or a foreign national allow for the circumstances, which may result in the threat of death or harm to their health (without warning the employer); If an employer within 30 calendar days of receipt of a work permit does not provide to the authorities of the State Migration Service of Turkmenistan documents confirming that a foreign citizen, authorized to work, is not infected with immunodeficiency virus (HIV), as well as a copy of an employment or civil contract between the employer and a foreign national compacted after his/her arrival in Turkmenistan. When canceling a work permit, fees paid are not refunded. An employer is informed of the cancellation of a work permit within 5 working days.

The grounds for the refusal to issue a work permit, extend the period of its validity, as well as for the refusal to transfer a foreigner from one employer to another can be as follows: grounds, envisioned by the legislation of Turkmenistan for refusing to grant a foreign national a visa; exceeding the quota set for the

number of foreign nationals attracted to work in Turkmenistan; invitation of a foreigner to engage in work not requiring high skills, training or expertise; attracting foreign labour force to engage in activities not stipulated by the Charter of an enterprise; the employer's failure to fulfill obligations arising from labour and civil contract entered into with a foreign citizen.

Duties of an employer include: attracting Turkmen citizens to vacant jobs at the domestic labour market; reporting to the Ministry of Labour and Social Protection of Turkmenistan on vacancies available; duly informing foreign nationals on the rights and duties established by the legislation, ensuring their compliance with the law and filling in written statements on the performance of these duties; observing the established procedure for issuing and extending their visas, residence permits, work permits and other documents related to the stay in Turkmenistan, registering and renewing registration, obtaining documents authorizing to travel, change the place of residence (stay) or place of work; taking measures to provide documents related to the removal of foreign nationals from the register and exit from Turkmenistan at the end of a certain period of stay in the country; promptly informing the authorities of the State Migration Service of any change of their place of residence (stay), places of work, termination of the terms of the employment or civil contract between the employer and the foreign employee, of the willful quitting the place of employment by a foreign citizen; within 24 hours reporting to the State Migration Service of the termination of labour or civil contracts with a foreign citizens; paying all costs associated with administrative expulsion from Turkmenistan; performing other duties envisaged by law.

On June 22, 2013 the Parliament of Turkmenistan adopted the **Law on Citizenship** (in force since July 3, 2013), prepared by taking into account the recommendations of the UNHCR and the relevant international standards in the field of statelessness prevention¹¹

3.3. Statistics

Because considerable part of labour migration is latent, it is difficult to calculate its economic effect in Turkmenistan. Experts estimate that a certain number of citizens of Turkmenistan leave for seasonal work (3-6 months, sometimes for longer periods) for Russia. Labour migrants having no Russian citizenship use tourist visas. In 2013, 485 citizens of Turkmenistan were granted permission to work in Russia, and 38 - in Kazakhstan.¹²

According to «Gundogar.org», citizens of Turkmenistan are officially allowed to work in Turkey for up to six months without requirement of entry visa. Those who arrived in Turkey often remain illegally after the expiry of their residence permits.¹³

¹¹Turkmenistan. *Bulletin of the UNHCR*. Available at <http://www.unhcr.org/500018059.pdf>.

¹²Socio-economic situation of the countries of the Commonwealth of Independent States, 2014 Available at <http://cisstat.com/eng/disa-cis-stat-2014.pdf>, last accessed on November 4, 2015.

¹³ Available at <http://demoscope.ru/weekly/2013/0545/gazeta026.php>, last accessed on November 2, 2015.

Table 9. The number of residence permits issued to citizens of Turkmenistan for employment purposes in the EU in 2008-2014

Country	2008	2009	2010	2011	2012	2013	2014
United Kingdom	13	6	10	4	8	9	:
Austria	8	33	26	26	20	14	:
Belgium	0	0	1	0	0	2	:
Bulgaria	0	0	0	0	0	0	:
Czech Republic	9	2	1	0	2	6	:
Denmark	1	0	2	0	0	1	:
Germany	58	57	49	44	57	40	:
Estonia	1	1	0	0	0	0	:
Ireland	1	1	0	0	1	0	:
Greece	0	0	0	0	1	0	:
Spain	1	0	1	0	0	0	:
France	1	0	1	1	0	13	0
Croatia	:	:	:	:	:	0	:
Italy	4	4	3	3	0	1	:
Cyprus	0	1	0	0	0	0	:
Latvia	0	1	0	0	2	0	:
Lithuania	0	0	4	0	4	2	:
Luxemburg	:	0	0	0	0	0	:
Hungary	1	0	1	0	0	0	:
Malta	0	0	0	0	0	0	:
Netherlands	1	0	2	1	0	1	:
Poland	0	0	6	4	1	4	:
Portugal	0	0	0	0	0	0	:
Romania	0	1	0	0	0	1	:
Slovenia	0	0	0	0	0	0	:
Slovakia	0	0	0	0	0	0	:
Finland	2	0	0	0	4	0	:
Sweden	0	0	0	1	0	0	:
Norway	1	0	3	2	0	2	:
Switzerland	:	:	:	:	0	2	:
EU 28	101	107	107	84	100	94	:
EU 27	101	107	107	84	100	94	:

Source: EUROSTAT database

According to the Russian tourist company "Zharkov Tour" interviewed by the Radio Liberty in April 2012, 98% of applications for Turkmenistan visas by Russian citizens are turned down.¹⁴

¹⁴ Available at <http://demoscope.ru/weekly/2012/0507/gazeta022.php>, last accessed on November 12, 2015.

4. IRREGULAR MIGRATION IN THE COUNTRY

4.1. Responsible State Authorities

As part of measures to prevent irregular migration **The Ministry of the Interior** contributes to the development of a network of immigration control posts at checkpoints across the state border of Turkmenistan.

In order to prevent illegal migration, **the General Prosecutor's Office, the Ministry of the Interior and the Border Guard authorities** carried out special operations to combat and prevent irregular migration, aimed at identifying persons staying on the territory of Turkmenistan without any legal authorization.

4.2. Policy and Policy Documents

High population growth is a major factor contributing to migration from the country. Most people leave Turkmenistan legally and remain in destination countries upon expiration of their permits. Returning to their homeland Turkmen citizens are centrally registered and their passports stamped with a ban on leaving Turkmenistan.

On March 28, 2005, Turkmenistan joined a number of the UN conventions and protocols directly related to irregular migration, including the "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", "The UN Convention against Transnational organized crime", "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime," "Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime," "Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organized Crime and the UN Convention against Corruption."

4.3. Statistics

Irregular migration is characterized mainly by the legal entry and illegal employment without permits. Its scale is difficult to determine, since it does not pass through any form of account. According to expert estimates about 300 thousand citizens of Turkmenistan are illegally employed in Turkey.

Table 10. Cases of illegal stay of Turkmenistan citizens on the territory of the EU MS and the number of decisions prescribing to leave the host country (rounded data, persons), 2009-2014

Country	2009		2010		2011		2012		2013		2014	
	Persons	Decision	Persons	Decision	Persons	Decision	Persons	Decision	Persons	Decision	Persons	Decision
EU (28 states)	60	130	70	520	60	110	55	55	50	85	70	90
EU (27 states)	60	130	70	520	60	110	55	55	50	85	70	90

Belgium	0	0	0	5	0	0	0	:	0	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0
Czech Republic	0	0	0	0	0	0	0	:	0	0	0	0
Denmark	0	:	0	:	0	0	0	0	0	0	0	0
Germany	10	5	10	5	10	5	5	0	10	15	15	15
Estonia	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0	0	0
Greece	0	0	0	0	5	5	0	0	0	5	0	0
Spain	0	0	0	0	5	5	0	0	0	0	0	0
France	5	85	5	25	0	50	0	10	5	30	0	25
Italy	0	0	5	5	0	0	0	0	0	0	0	:
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	5	5	5	5	0	0	5	5
Luxemburg	0	0	0	0	0	:	0	0	0	0	0	0
Hungary	0	0	0	0	0	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0	0	0	0	0	0
Netherlands	0	0	0	0	0	5	:	0	:	0	:	0
Austria	0	0	0	435	0	0	0	0	0	0	0	:
Poland	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0
Romania	5	5	5	5	0	5	0	0	0	5	0	5
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0
Finland	0	0	0	0	0	0	0	:	0	0	0	0
Sweden	15	5	10	5	5	5	10	0	5	5	5	0
United Kingdom	25	25	30	30	30	30	30	30	20	20	35	35
Liechtenstein	0	0	0	0	0	0	0	0	0	0	0	0
Norway	0	:	:	:	0	0	0	0	0	5	0	0
Switzerland	50	:	65	520	0	:	0	0	0	0	0	90

Source: EUROSTAT database

5. RETURN, READMISSION AND REINTEGRATION

5.1. Responsible State Authorities

Foreign Ministry supports the development of relations and contacts with compatriots living abroad; issues passport and visa documentation; conducts cases on requesting and legalizing documents for local and

foreign legal entities and individuals; participates in the examination of applications for admission to the citizenship of persons entering the country. Diplomatic missions and consular offices of Turkmenistan abroad account and register Turkmenistan citizens living abroad on the territory of the consular district.

5.2. Policy and Policy Documents

Turkmenistan has not concluded readmission agreements with any of the country.

Reintegration of Turkmenistan citizens returning to their home country is not treated as a separate branch of governmental policies. As a rule, reintegration is performed by the returnees themselves. Job search is done mainly through friends, family members and informal intermediaries assisting in reintegration. Certificates of higher education issued in other countries are not recognized in Turkmenistan.¹⁵

5.3. Statistics

As of 2013, there resided about 150 thousand people having dual citizenship (mainly Russian) in Turkmenistan. On July 10, 2013 passports of the old type expired. To get a new Turkmen passport a person needs either to renounce Russian citizenship or leave the territory of Turkmenistan.¹⁶ After July 10, 2013 tickets for international flights can only be bought with Turkmen biometric passports of the new type not issued to persons with dual citizenship. As of the end of 2014, the question of dual nationals (people with dual citizenship of Russia and Turkmenistan) remains unresolved.

6. INTEGRATION

6.1. Responsible State Authorities

The State Migration Service of Turkmenistan is responsible for issuing residence permits in Turkmenistan and temporary residence permits to foreign citizens and stateless persons, as well as the extension of their validity and annulment.

President of Turkmenistan, who is applied to with the application for a residence permit, adopts decisions on refusing or granting residence permits.

¹⁵ Available at <http://demoscope.ru/weekly/2012/0519/gazeta036.php>, last accessed on October 1, 2015.

¹⁶ On May 18, 1995 an agreement on dual citizenship between Russia and Turkmenistan came into force; the protocol on its termination was signed in April 2003 (ratified by the Mejlis of Turkmenistan, but not by the Russian side). In summer 2008, "dual citizens" in Turkmenistan were notified that by July 2013 they need to select one of the citizenships and renounce the other. Available at <http://demoscope.ru/weekly/2013/0541/gazeta017.php>, last accessed November 12, 2015.

6.2. Policy and Policy Documents

The measures aimed at the adaptation of migrants entering Turkmenistan are determined by the President. The reason for issuing a residence permit may be one of the following:

- marriage contracted to a citizen of Turkmenistan;
- registration of custody and guardianship with respect to Turkmenistan citizens;
- residence of the nearest relatives (grandparents, brothers, sisters, parents, children, including grandchildren and established children and spouses), who are Turkmenistan citizens;
- high professional qualifications, as well as achievements in the fields of sport, culture, art and science, which can be utilized in the interests of the country;
- if a citizen of a CIS state or stateless persons who had come from the CIS countries and registered in the State prior to the introduction of visa regime with the CIS countries.
- investments in the economy of the state in the amount of five hundred thousand dollars;
- residence of foreigners and stateless persons in Turkmenistan for more than two years.

In special cases the President may grant residence permits on other grounds.

Foreign nationals and stateless persons staying outside Turkmenistan and wishing to obtain residence permits must submit an application to the State Migration Service through the consular office of the country or through the diplomatic representation in a foreign country. This application is then sent to the migration service of Turkmenistan via the Foreign Ministry. Only legally competent adult foreigners/stateless persons can apply for residence permits. Residence permits issued to one parent or both, are valid also for children (including adopted). Upon reaching 16 years of age, the children are to be issued a residence permit, which is provided by the State Migration Service of Turkmenistan in agreement with the Commission for monitoring visas issuance, on the basis of a statement (notarized) from the parents or a parent possessing a residence permit in Turkmenistan.

To obtain a residence permit in Turkmenistan foreign citizens and stateless persons must apply to relevant authorities (the State Migration Service of Turkmenistan) a month before their child reaches sixteen. Residence permits for foreigners and stateless persons can be issued for up to five years. The grounds for the annulment of residence permits of foreigners or stateless persons can be the provision by the applicant of false information in the application for the document; the conviction of the applicant guilty of committing a grave or especially grave crime on the basis of a court decision; applicant committing actions that contradict the interests of public order, morality or ensuring national security; membership of the applicant in the anti-state, extremist, terrorist or other criminal organizations; admission to military or other public service of foreign countries, except for the cases when it is provisioned by international treaties of Turkmenistan; applicant's record in one of the specialized institutions treating drug addicts; enacted court decision on the annulment of a fictitious marriage concluded with a Turkmenistan citizen in order to obtain a residence permit in Turkmenistan; termination of employment providing grounds for obtaining a residence permit; divorce with a Turkmenistan citizen within five years after the marriage in the absence of children.

In case of cancellation of residence permits of a deceased foreigner or a stateless person, the State Migration Service issues his/her children under the age of sixteen a certificate that gives them the right to

receive a residence permit when they reach the age of sixteen. A sample of such a certificate is approved by the migration service of the country.

Stateless persons residing in Turkmenistan on the basis of a certificate of a stateless person are to be registered at the place of residence according to the prescribed procedure. For the registration and issuance, extension, replacement, reissue of certificates of stateless persons, as well as for registration and issuance of travel document for stateless persons, state duty or consular fee are to be paid; certain individuals may be exempt from the state duty and consular fees.¹⁷

The legislation of Turkmenistan prohibits dual citizenship with other countries. Visa regime is in place for movement between Turkmenistan and other countries.

6.3. Statistics

In 2005 more than 13 thousand people received Turkmenistan citizenship and more than three thousand residence permits were issued to IDPs resident in the country and not having citizenship. During the period from 2005 to 2013 Turkmen citizenship was granted to more than 16 thousand people. In total, from 2005 to 2015 more than 18 thousand stateless persons acquired citizenship of Turkmenistan. In 2011 and 2013 Turkmenistan citizenship was granted to 4000 persons permanently residing in the country but having no citizenship.¹⁸ In 2014, by June 20, 786 stateless persons permanently residing in the country gained official status.

From 2007 to 2011 the Government of Turkmenistan conducted a registration campaign which allowed for the registration of more than 12,000 persons with undetermined citizenship. As a part of the registration campaign of 2007 4,000 persons were identified as stateless and acquired the citizenship of Turkmenistan within the last three years.¹⁹

According to the Census of 1995, there are 86,987 Kazakhs living in Turkmenistan (4% of the total population), with compact settlement in the Dashoguz (33,000 people.), Balkan (22,000 people.), Mary and Lebap velayyatahs (areas). They are mostly engaged in animal husbandry, food and oil industries and in the social sphere. According to the Embassy of the Republic of Kazastan, as of 2003, Turkmenistan was home to over 110 thousand Kazakhs.

In 2011, 544 citizens of Turkmenistan were granted Russian citizenship.²⁰

¹⁷ In accordance with the additions and amendments to the Law of Turkmenistan of March 31, 2012. "On Migration," available at <http://migration.gov.tm/uploads/kanun/migration%20uytgeshme13062014%20RU%20.pdf>, last accessed on November 3, 2015.

¹⁸ Un.org, June 25, 2014, available at http://polpred.com/?ns=1&ns_id=1109859, last accessed on June 20, 2015.

¹⁹ *Stopping statelessness ...*

²⁰ Available at www.osce.org/odihr/106503?download=true, last accessed on November 4, 2015.

7. MIGRATION AND DEVELOPMENT

7.1. Responsible State Authorities

Turkmenistan Foreign Ministry contributes to the maintenance of contacts with compatriots living abroad. Establishment of direct contacts with communities abroad is carried out through diplomatic missions.

7.2. Policy and Policy Documents

The main priorities of immigration policy are to attract immigrants whose qualifications and professional experience meet the needs of the country's economy, attract foreign investments and create on their basis new jobs, as well as to prevent irregular immigration.

Strategy for migration policy is based on the long-term objectives of social and economic development and involves the creation of a favorable climate for employment in the country and the reduction of internal migration. The government sees as its most important task taking measures to increase employment, to preserve and create jobs, to develop services.²¹

On May 17, 2002 the Government of the Republic of Belarus and the Government of Turkmenistan signed a convention on the avoidance of double taxation with respect to taxes on income and capital (property), which was enacted on December 29, 2004.

7.3. Statistics

In total, in 2014, the volume of money transfers from the Russian Federation to Turkmenistan sent through special systems accounted for approximately 16 million USD.²²

Occasionally bank transfers are used, whereas more often money is transferred home through intermediaries, charging 8-10% for their service.

Average earnings of women engaged in family care in Turkey is 800-900 USD per month, with about half spent on living expenses and half sent to relatives. Men profit from their work less because they do not work in families and a large share of their earnings is spent on accommodation.

8. ASYLUM AND INTERNATIONAL PROTECTION

²¹*Economic strategy of Turkmenistan available at http://www.turkmenistan.ru/?page_id=12&lang_id=ru&elem_id=16836&type=event&sort=date_desc, last accessed on October 9, 2015.*

²² Available at <http://www.fergananews.com/news/23881>, last accessed November 5, 2015.

8.1. Responsible State Authorities

The **State Migration Service** is responsible for asylum and the status of refugees and processes applications for refugee status within three months from the date of submission of the application. In agreement with the **Cabinet of Ministers** the SMS decides on granting or refusing to grant refugee status.

8.2. Policy and Policy Documents

Turkmenistan was the first country in the Central Asia to join two conventions on statelessness. According to the annual report of the UNHCR "Global Trends", Turkmenistan joined the UN Convention on the Status of Refugees of 1951 and its 1967 Protocol and committed itself to implement the generally recognized international norms for the protection of human rights and freedoms.

On April 27, 2011, Turkmenistan was elected a permanent member of the Executive Committee of the United Nations High Commissioner for Refugees, becoming the first country in the Central Asia, elected as a member of the Executive Committee.²³

Turkmenistan accumulated considerable experience in the field of assistance to refugees, stateless persons and protection of their rights. The governmental policies aim at the continuation of the established fruitful cooperation with the UNHCR and the IOM to assist, deepen and broaden effective international dialogue. In June 2014, in Ashgabat the Government of Turkmenistan organized a regional meeting on migration and statelessness aimed at the eradication of statelessness in the country and the region as a whole. On November 4, 2014, with the participation of the Government of Turkmenistan, UNHCR launched a major campaign for total eradication of statelessness around the world in the next decade, which "will help to make the Central Asia the first region in the world where statelessness is eradicated."

Procedure and conditions for the recognition of refugee status. Refugee certificate is a standard document that certifies the identity of the person who has been granted refugee status in Turkmenistan. A person is exempt from liability for illegal entry and illegal stay on the territory of Turkmenistan if he/she arrives from the territory where his/her life or freedom was exposed to danger and without delay applies to the representatives of the state authorities or local self-government with an application for refugee status. A refugee may not be returned against their will to a country which he/she left, except in cases relating to the protection of the interests of national security or public order in Turkmenistan.

Submission of an application. An application for refugee status must be registered with the body of the migration service on the date of its submission with the issuance of a temporary certificate of application's registration. Within ten days upon reviewing the application for refugee status, a person granted with refugee status is issued a certificate according to the established format. Travel documents can be issued on the request of the person who is granted refugee status.

A person loses refugee status if he/she voluntarily re-availed protection of the country of his/her nationality, or having once lost his/her nationality voluntarily acquired it again, or acquired a new nationality and enjoys the protection of the country of his/her new nationality, or voluntarily re-established

²³Stopping statelessness. UNHCR Newsletter, is available at file:///s-dc1/Shares/Users/BaraA/My%20Documents/Downloads/Newsletter_UNHCR_Ending%20Statelessness_4Nov2014.pdf last accessed on October 28, 2015.

himself/herself in the country which he/she left or outside which remained due to fear of persecution, or could no longer abstain from enjoying the protection of the country of his/her nationality or the circumstances in which he/she was recognized as a refugee ceased to exist; or acquired refugee status as a result of providing false information or forged documents; participates in activities that pose a threat to national security or public order of Turkmenistan; participates in activities contrary to the purposes and principles of the United Nations.

The rights of refugees. A person who has been granted refugee status is entitled to: choose the place of residence from the proposed list of settlements; choose to reside with relatives with their consent; working activities; acquire ownership of the property on the conditions provided for by the legislation of Turkmenistan on foreign citizens and stateless persons; access to education; use of cultural property; freedom of worship; with the assistance of the relevant authorities get information about relatives living in his/her country of origin, and on the property left there; transfer of belongings brought to Turkmenistan to any other country, as well as the property acquired in Turkmenistan to another country, which allowed him/her to reside there; voluntary return to their former homes or move to a third country; judicial protection against attacks on the honour, dignity and freedom, life and health, housing and personal property and other rights; the acquisition of Turkmenistan citizenship in the manner prescribed by law.

Changes were introduced into the **Law on Citizenship** of Turkmenistan preventing statelessness. In this form, it provides the basis for the implementation of solutions to reduce statelessness. In general, Turkmenistan has considerable experience in providing assistance to refugees, stateless persons and protection of their rights.

8.3. Statistics

According to the annual report of the UNHCR "Global Trends" based on the data from the government of Turkmenistan, non-governmental partners from NGOs and UNHCR's own data, as of January 2014, Turkmenistan accommodated 45 refugees and 8,320 stateless persons.²⁴

On the eve of the International Conference on Migration and statelessness held in Ashgabat, on 23-24 June 2014, the government of Turkmenistan granted citizenship to the eight "mandate refugees". It was the first case of granting the "mandate refugees" Turkmenistan citizenship since the opening of the UNHCR Office in the country in 1995.

In June 2014, Turkmenistan provided the UNHCR and other UN agencies and diplomatic missions with the samples of identity and travel documents for refugees and stateless persons, prepared in accordance with the standards of the International Civil Aviation Organization. In accordance with the amendments to the Migration Act of 2002, adopted in June 2014, identification and travel documents are issued to refugees free of charge and for a minimal fee to stateless persons. Together with UNHCR, Turkmenistan participates in the development of an action plan in case of unforeseen potential influx of refugees from Afghanistan.

In August 2005, as a result of the joint efforts of UNHCR and government agencies involved in the registration of refugees from Tajikistan and Afghanistan, the government granted citizenship and residence permits to about 16,000 refugees and stateless persons.

.....
²⁴ Available at <http://www.chrono-tm.org/2014/06/v-turkmenistane-prohodit-mezhdunarodnaya-konferentsiya-po-migratsii/>, last accessed on October 10, 2015

Table 11. Asylum-seekers from Turkmenistan, applying for asylum abroad, per year, 2005-2013²⁵

Country	2009	2010	2011	2012	2013	2014
Austria	1	0	0	2		
Australia	2					
Belgium	5	3	4	0		0
Bulgaria	0	2	0	0		0
Denmark	1					
Canada	2	2	2	1		0
Cyprus		1	0	0		0
Egypt	0	1				0
France				1		
Finland	0	1				
Germany	4	7		24		343
Greece	0	0	2			
Italy	0		4	1		0
Ireland				1		
Spain	1	2	2	1		
Kazakhstan	0	1		1		
Liechtenstein	1		2			
Netherlands		2	2			*
Norway	5	2		3		0
Poland	0	0	6	7		15
Pakistan	3					
Malta		2				
Moldova		2	0			
Romania			1	0	1	0
Russia	27	6	2		2	8
Sweden	12	10	6		8	*
Switzerland	1	1	3	1		0
Thailand			1			
Turkey	3	8	14		103	146
Ukraine	6	2	0		1	0
United Kingdom	7	4	4	4		9
USA	14	22	27		26	35
Czech Republic	2	1				

²⁵ UNHCR, Turkmenistan, http://popstats.unhcr.org/en/asylum_seekers, last accessed on October 29, 2015.



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