

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

10 January 2017

### UZB105711.E

Uzbekistan: Exit procedures and documents required for nationals leaving the country; whether interviews are conducted by customs officials; whether persons wanted by authorities are able to leave the country legally or without difficulty (2015-January 2017)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Overview

A 2008 report on the International Covenant on Civil and Political Rights submitted by the government of Uzbekistan to the United Nations Human Rights Committee (UNHRC) quotes Article 28 of the Uzbek Constitution as stating that "[c]itizens of the Republic of Uzbekistan have the right to liberty of movement throughout Uzbekistan and to enter and leave the Republic, subject to restrictions established by law" (Uzbekistan 4 June 2008, para. 558). A complete copy of the Uzbek Constitution is attached to this Response (Attachment 1). The same Uzbekistan report to the UNHRC further states that

[p]ursuant to Decision No. 8 of the Cabinet of Ministers dated 6 January 1995 confirming the procedure to be followed by citizens going abroad, citizens are entitled freely to travel abroad on private or public business, to take up permanent residence, on tourist trips, to study, to work, to obtain medical treatment or on an official mission. (ibid., para. 559)

Without providing further information, a 2013 report written by the government of Uzbekistan for the UNHRC notes the following concerning human trafficking issues:

departmental and interdepartmental regulatory instruments have been drawn up on the departure abroad of persons, especially women aged 16-30, who fill out exit documents at the offices of the Directorate of Entry, Exit and Citizenship Formalities Centre. (Uzbekistan 30 Oct. 2013, para. 374)

According to sources, authorities have indicated that the exit-visa regime is necessary in order to protect Uzbekistan from terrorism (RFE/RL 16 Jan. 2013; UGF and the Human Rights Alliance June 2015, 15).

In 2015, Radio Free Europe/Radio Liberty (RFE/RL) reports that "authorities often use the [exit visa] regulation to prevent citizens from leaving the country" (RFE/RL 17 Feb. 2015).

In a July 2015 report, the UNHRC expressed its concerns about Uzbekistan's exit visa system and called for its abolishment (UN 20 July 2015, para. 20).

#### 2. Requirements and Procedures

Sources indicate that, according to a governmental decree issued 1 July 2014, Uzbek citizens may only travel abroad with a biometric passport (Uzbekistan Airways n.d.; *Azernews* 11 Feb. 2014). Sources report that non-biometric passports were valid until 31 December 2015 (ibid.; *Uzbekistan Today* 17 Jan. 2016).

According to sources, citizens of Uzbekistan require an exit-visa to travel abroad (France 24 2 Dec. 2016; *The Irish Times* 5 Sept. 2016; UGF and the Human Rights Alliance June 2015, 13). Other sources indicate that the exit-visa is not required for Uzbek nationals to travel to Russia, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova or Ukraine (Research Fellow 5 Dec. 2016; International Crisis Group 5 Dec. 2016; IOM 14 Dec. 2016). In correspondence with the Research Directorate, a Tashkent-based Research Fellow affiliated with the non-governmental organization Center for Studying Regional Threats, explained that everyone traveling to countries where an exit visa is required must be in possession of one in order to board planes at Uzbek airports (Research Fellow 5 Dec. 2016).

Sources indicate that the exit-visa is commonly referred to as "OVIR" (ibid.; International Crisis Group 5 Dec. 2016), "sticker" (ibid.), or "'OVIR' sticker" (IOM 14 Dec. 2016). In correspondence with the Research Directorate, a representative of the International Crisis Group whose research and programmatic activities focus on Uzbekistan, indicated that "the exit visa is a sticker in the passport containing [the] applicant's name, last name and passport number" (International Crisis Group 5 Dec. 2016). Sources report that the exit visa is obtained from the Ministry of Interior's Office of Visas and Registration (OVIR) (RFE/RL 16 Jan. 2013; UGF and the Human Rights Alliance June 2015, 15). According to a 2015 report by the Uzbek-German Forum for Human Rights (UGF) and the Human Rights Alliance [1],

[a]ll Uzbekistan passport holders who wish to leave the country must first submit their passports to receive an exit visa from OVIR. Such exit permits are not required to visit other CIS [Commonwealth of Independent States] countries but, because of an internal CIS agreement, an Uzbek citizen in another CIS country without an exit visa is prohibited from traveling on to other countries. (ibid.)

In correspondence with the Research Directorate, representatives of the International Organization for Migration (IOM), who researched public sources in the Uzbek language, stated that "to obtain the exit-visa, an Uzbek national applies to the Department of Visa Issue and Citizenship (OVViG) under the Ministry of Internal Affairs of Uzbekistan. In line with the set rule, the OVViG should respond in 10 days" (IOM 14 Dec. 2016).

Sources indicate that the following documentation is required for an Uzbek citizen to be issued an exit visa:

- Two copies of the application form (Research Fellow 5 Dec. 2016);
- Four coloured photos (ibid.);
- Passport (ibid.; UGF and the Human Rights Alliance June 2015, 15). The Research Fellow indicated the need for the current biometric passport and that it is "recommended" that the passport has more than two years of validity (Research Fellow 5 Dec. 2016);
- A fee (ibid.; UGF and the Human Rights Alliance June 2015, 15). The Research Fellow indicated that the official fee is US\$20 [approximately C\$26.25] and that the unofficial fee is US\$10 [approximately C\$13.12] (Research Fellow 5 Dec. 2016). According to the UGF and the Human Rights Alliance, the fee is US\$25 [approximately C\$32.81] (UGF and the Human Rights Alliance June 2015, 15);
- Military Service Certificate (for men only) (Research Fellow 5 Dec. 2016).

According to the Research Fellow, authorities may ask for additional documents, including:

- Marriage certificate;
- Legal agreement" of the husband permitting his wife to travel;
- Legal agreement" of parents permitting their daughter to travel;
- Divorce certificate (if appropriate);
- "Medical certificate of sexually transmissible diseases (often asked from young women)";
- Residence certificate;
- Certificate of study admission (if appropriate);
- Certificate of job offer (if appropriate);
- "Certificate of business trip" (if appropriate);
- Document proving that the applicant is not forbidden to leave the country (in the case of people recently released from jail);
- Agreement of parents permitting their child who is younger than 16 years old to travel (ibid.).

The same source also states that "it is recommended" to have a stamp from one's "workplace or from [a] local authority (called Mahalla)" on an application form (ibid.).

The representatives of the IOM stated that

minors less than 16 years old, departing from Uzbekistan or out of [Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Ukraine and Georgia] must have [an] exit visa in their passports with the name of the accompanying person in the exit permission sticker. As a rule, only parents or other legal guardians may be granted a right to accompany the minor. (IOM 14 Dec. 2016)

The US Department of State's Country Reports on Human Rights Practices for 2015 further notes that "male relatives of women between ages 18 and 35 [are required] to submit a statement pledging that the women would not engage in illegal behavior, including prostitution, while abroad" (US 13 April 2016, 21).

Sources indicate that the waiting time between the date one applies for an exit visa and the date it is issued by authorities varies (International Crisis Group 5 Dec. 2016; Research Fellow 5 Dec. 2016; UGF and the Human Rights Alliance June 2015, 15). The UGF and Human Rights Alliance report states that "in theory," the waiting period is "within two weeks," but "[i]n practice, wait times are often significantly longer, from 20-30 days" (ibid.). The representative from International Crisis Group similarly noted that the official wait time is 15 days, but that "in reality[,] the process takes at least [one] month, sometimes several months" (International Crisis Group 5 Dec. 2016). According to the Research Fellow, the procedure to obtain an exit visa takes over a month and, in some cases, it takes up to three months (Research Fellow 5 Dec. 2016).

### 3. Conditions and Restrictions

Sources indicate that exit visas are valid for two years (UGF and the Human Rights Alliance June 2015, 15; Research Fellow 5 Dec. 2016; International Crisis Group 5 Dec. 2016).

In its 2008 report submitted to the UNHRC, the government of Uzbekistan indicates that a person's travel abroad may be restricted for the following reasons:

- a. He is in possession of information constituting a State secret or has contractual obligations preventing his travel abroad – until the termination of such obligations;
- b. Criminal proceedings have been instituted against him – until the conclusion of such proceedings;
- c. He has been found in a judicial sentence to be a dangerous recidivist or is under administrative supervision by the police – until his conviction is expunged or the supervision is terminated;
- d. He declines to fulfil obligations imposed by a court – until the period of such obligations expires;
- e. He has knowingly submitted false information about himself;
- f. A civil action has been instituted against him – until the conclusion of the proceedings in the case;
- g. He is registered in a call-up district and is liable to be called up for active military service – until the expiry of the period of liability for service or his release from such liability in accordance with the law. (Uzbekistan 4 June 2008, para. 571)

According to the same report,

Appeals may be lodged to a higher body against [the] rejection of an application to travel abroad on grounds provided by law or against failure to deal with an application within the established time limit; the body must give its decision within one month at the outside; if the applicant does not accept the decision, he may appeal to the courts. The grounds mentioned in paragraphs (b) and (g) above are not subject to appeal. (ibid., para. 572)

However, the US Country Reports 2015 states that authorities can "deny travel based on 'information demonstrating the inexpediency of the travel'" and that that according to civil society activists, "denials could not be appealed" (US 13 April 2016, 21).

RFE/RL states that the "legal grounds for refusal include possession of state secrets, contractual obligations, criminal proceedings, and nonfulfillment of a court order" (RFE/RL 16 Jan. 2013). The UGF and Human Rights Alliance report notes that authorities can "deny or delay" granting a visa without providing an explanation (UGF and the Human Rights Alliance June 2015, 15). RFE/RL similarly indicates that "usually" authorities do not provide a "reasonable explanation" for visa issuance delays or refusals (RFE/RL 16 Jan. 2013). According to the UGF and the Human Rights Alliance report, authorities may justify the denial of issuing exit visas by stating that trips are "'not advisable,'" there are also reports of Uzbek authorities claiming that there is a "shortage of exit visa stickers," or that there is a "temporary moratorium on issuing visas" (UGF and the Human Rights Alliance June 2015, 15). Representatives of the IOM indicate that

[they] haven't faced instances when Uzbek nationals were denied exit visas. But according to the Law of Uzbekistan[,] [an] exit visa can be denied based on a number of reasons listed by [the] law of Uzbekistan. (IOM 14 Dec. 2016)

However, the UGF and the Human Rights Alliance state that

in many cases government officials issue exit visas only after receiving bribes and in other cases delay or deny the granting of exit visas [...] on politically motivated grounds, such as to prevent people from leaving the country to seek asylum or to prevent human rights defenders, independent journalists, members of the political opposition, or civic activists from traveling abroad to work or attend conferences or meetings. Authorities also use the exit visa regime as a means of control, to prevent activists and others from traveling to isolate them from networks and support abroad. (UGF and the Human Rights Alliance June 2015, 15)

In a 2013 article, RFE/RL reports that "Uzbek opposition members and human rights activists claim the authorities are using the exit-visa regime to put pressure on them and restrict their contacts with the West" (RFE/RL 16 Jan. 2013). According to Freedom House's *Freedom in the World* 2015 report, exit visas are often issued selectively (Freedom House 2015). The US Country Reports 2015 further states that "[a]lthough the law requires authorities to reach [a] decision on issuing exit visas within 15 days, the government reportedly delayed exit visas for human rights activists and independent journalists to prevent their travel" (US 13 Apr. 2016, 22). The 2015 UNHRC report similarly raised concerns about reports that Uzbekistan has prevented human rights defenders, independent journalists, and members of the political opposition from traveling abroad "by delaying the issuance of exit visas" (UN 20 July 2015, para. 20).

Human rights organizations report that there have been instances in which Uzbek authorities have denied exit visa applications (Human Rights Watch 9 Feb. 2016; UGF and the Human Rights Alliance June 2015, 15). The US Country Reports 2015 states that, "[a]uthorities continued to deny exit visas to human rights activists" (US 13 Apr. 2016, 22). In a September 2016 article, RFE/RL reported that family members of RFE/RL staff were interrogated by authorities "about their relatives' journalistic work, and in several cases [Uzbek authorities] have denied their request for exit visas to leave the country" (RFE/RL 22 Sept. 2016). Sources report that the Uzbek state "sometimes" restricts foreign travel that is religious in nature (US 13 Apr. 2016, 21), including the arbitrary denial of exit visas for individuals pursuing the hajj pilgrimage to Mecca (Forum 18 18 Sept. 2015).

#### 4. Travel Without an Exit Visa

Article 223 of the Uzbekistan Criminal Code (UCC) reads that:

Article 223. Illegal Exit from or Entry in Republic of Uzbekistan

Exit from or entry in the Republic of Uzbekistan, or crossing the state border, which violate the duly set procedures –

shall be punished with fine from fifty to one hundred minimum monthly wages, or imprisonment from three to five years.

The same actions committed:

- a. by breakthrough;
- b. by previous concert by a group of individuals;
- c. by an official whose exit requires a special approval –

shall be punished with imprisonment from five to ten years.

Foreign nationals and stateless persons, who arrived in Uzbekistan without due formalization of entry documents in order to exercise the right to political asylum envisaged by the Constitution of the Republic of Uzbekistan, shall be excused from liability. (Uzbekistan 1994)

A copy of the Criminal Code of Uzbekistan is attached to this Response (Attachment 2).

Sources indicate that Uzbek nationals who travel without an exit visa, when laws stipulate that it is required, may face criminal charges upon returning to Uzbekistan (International Crisis Group 5 Dec. 2016; UGF and the Human Rights Alliance June 2015, 15), including "significant fines and prison time" (ibid.). Other sources state that violating laws concerning exit procedure can result in imprisonment for five to ten years (US 13 April 2016, 22), or up to 10 years and heavy fines (RFE/RL 16 Jan. 2013).

The representative of International Crisis Group indicated that people who are wanted by authorities are not able to leave Uzbekistan legally or without difficulty and that such persons "may leave by illegally crossing the border" (International Crisis Group 5 Dec. 2016). The same source further stated that "there is a list of these [wanted] persons in the databases of border personnel" (ibid.). The representatives of the IOM noted that, based on research of public sources, "[p]ersons who are wanted by authorities can be denied [the] issuance of [an] exit visa" (IOM 14 Dec. 2016).

## 5. Interviews by Customs Officials

### 5.1 During the Exit Visa Application Process

The UGF and the Human Rights Alliance report that

women under age 35 and girls attempting to receive exit visas...are required to undergo an interview and receive 'permission' from their parents or, if they are married, from their husbands or parents-in-law before receiving an exit visa. (UGF and the Human Rights Alliance June 2015, 15)

According to the Research Fellow, women are sometimes asked whether they are going abroad "to become a prostitute, but it is quite rare" (Research Fellow 5 Dec. 2016). The same source noted that it is "more difficult" for young women to get an OVIR, due to the Uzbek state's efforts to "counter human trafficking and Uzbek women prostitution ... abroad" (ibid.). The Research Fellow explained that if authorities conclude that an OVIR applicant is going abroad to carry out illicit activities, such as prostitution or terrorism, the OVIR can be refused (ibid.). He noted that "[m]ostly young women [and] suspected men are asked to pass the interview" (ibid.).

### 5.2 Upon Departing Uzbekistan

According to the representative of International Crisis Group, interviews "per se" are not conducted when Uzbek nationals depart Uzbekistan, "but questions are asked as to where the person is headed and why and for how long" (International Crisis Group 5 Dec. 2016). Sources indicate that all people departing Uzbekistan are required to submit a customs declaration form (ibid.; IOM 14 Dec. 2016) to the "Customs Check-desk" (ibid.). The representative of International Crisis Group explained that "the new form, introduced in the last [two] years, primarily focuses on information regarding currency that is being brought in and/or taken out of the country" (International Crisis Group 5 Dec. 2016).

Sources indicate that customs officers may ask questions to individuals attempting to leave Uzbekistan (ibid.; IOM 14 Dec. 2016). According to the IOM representatives, the questions relate to the purpose and length of the travel (ibid.). The representative of International Crisis Group indicated that questions may additionally relate to a person's destination and previous travels (International Crisis Group 5 Dec. 2016).

### 5.3 Upon Returning to Uzbekistan

The UGF and the Human Rights Alliance report that upon return to Uzbekistan, Uzbek nationals experience the following:

officials interrogate them about their religiosity, whether they pray, about their friends, and whether they had any contact with members of banned religious groups and inspect their telephones, tablets, computers, and flash drives for extremist or anti-government materials. (UGF and the Human Rights Alliance June 2015, 14)

The same source explains that

the government views people who travel abroad as a potential threat to state security. Law enforcement agencies follow, harass, and question people who return to Uzbekistan from abroad, and interrogate the relatives of people who are out of the country, officially justifying these actions as "preventative law enforcement measures." (ibid.)

The UGF and the Human Rights Alliance report, based on sources in the Uzbek Ministry of the Interior, further states that

the practice of 'preventative interviews' with people who have left for long periods are required and carried out by inspectors from prevention departments from regional law enforcement offices together with inspectors and investigators from criminal investigation departments and local *mahalla* (neighborhood) committees. These officers send monthly reports to the SNB [National Security Service]. (ibid.)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### Note

[1] The UGF is "a Berlin-based human rights organization that researches, reports, and advocates extensively on human rights issues in Uzbekistan" (UGF and the Human Rights Alliance June 2015, 4). The Human Rights Alliance is "a Tashkent-based group of activists that monitors the human rights situation in Uzbekistan" (ibid.).

## References

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## Additional Sources Consulted

**Oral sources:** Associate Professor of political science at Boston College; Association for Human Rights in Central Asia; Forum 18; Organization for Security and Co-operation in Europe; Uzbek-German Forum for Human Rights; Uzbekistan – Consulate General in New York City.

**Internet sites, including:** Al Jazeera; Amnesty International; BBC; Chronicles of Uzbekistan; ecoi.net; Factiva; *The Guardian*; The Huffington Post; Insitute for War and Peace Reporting; New Eastern Europe; *Newsweek*; Norma; UN – Office of the High Commissioner for Human Rights, Refworld; Uzbekistan on Political Map Today; World Bulletin.

### Attachments

1. Uzbekistan. 1992 (amended 2003). [Constitution of Uzbekistan](#). [Accessed 12 Dec. 2016]
2. [Uzbekistan. 1994 \(amended 2002\). Criminal Code of the Republic of Uzbekistan. No. 2012-XII](#). [Accessed 2 Dec. 2016]

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