



On Migration

Non-official translation

The Law of the Republic of Kazakhstan dated 22 July 2011 No. 477-IV

Unofficial translation

Note of RCLII!

The order of enforcement of this Law see Article 63.

This Law regulates public relations in the field of migration of population, determines legal, economic and social basis of migration processes.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) former compatriot – a person that was born or previously being a citizen of the Kazakh Soviet Socialist Republic or the Republic of Kazakhstan and residing permanently abroad;

2) adaptation and integration services – set of services (information, legal, social, medical and educational) rendered to oralmans and their family members for the purpose of adaptation and integration to society;

3) admission for entry and leave (hereinafter – visa) – mark of authorized bodies of the Republic of Kazakhstan in passport of a migrant or document substituting it that grants the right to entry into the territory of the Republic of Kazakhstan, travel on its territory, stay in there and leave from the territory of the Republic of Kazakhstan for the period, purposes and on conditions established in visa;

4) labour migration – temporary transfer of individuals from other states to the Republic of Kazakhstan and from the Republic of Kazakhstan, as well as within the state for carrying out of labour activity;

4-1) permit to labour immigrant – standard type document issued to labour immigrant by internal affairs bodies for performance of works (rendering of services) of employers – individuals in housekeeping;

5) illegal immigration – entry into Republic of Kazakhstan and stay of foreign persons and stateless persons in the Republic of Kazakhstan with violation of the legislation of the Republic of Kazakhstan regulating the procedure for entry and stay, as well as travel in transit within the territory of the Republic of Kazakhstan;

6) illegal immigrant – foreign person or stateless person entered into Republic of Kazakhstan and stayed in the Republic of Kazakhstan with violation of the legislation of the Republic of Kazakhstan;

7) immigration – entry of foreign persons or stateless persons into Republic of Kazakhstan for temporary or permanent residence;

8) immigrant – foreign person or stateless person arrived to the Republic of Kazakhstan for temporary or permanent residence;

9) migration – permanent or temporary, voluntary or compulsory transfer of individuals

from one state to another, as well as within the state;

10) migrant – a person entered into Republic of Kazakhstan and left from the Republic of Kazakhstan, as well as migrating within the Republic of Kazakhstan independently from the reasons and time duration;

10) receiving person – a citizen of the Republic of Kazakhstan, foreign person and stateless person residing permanently in the Republic of Kazakhstan, or a legal entity registered in the Republic of Kazakhstan, applying on invitation of foreign persons to the Republic of Kazakhstan for temporary residence and (or) on their registration;

11) foreign establishments of the Republic of Kazakhstan – diplomatic representatives and those equated to them being abroad, as well as consular institutions of the Republic of Kazakhstan;

12) a settler – a person migrating within the Republic of Kazakhstan in accordance with quota of resettlement of internal migrants from inhabited localities with special unfavourable living conditions and low potential for development in economically promising regions of the Republic of Kazakhstan for permanent residence;

13) oralman – ethnic Kazakh residing permanently beyond the borders of the Republic of Kazakhstan at the time of acquisition of its sovereignty, and his (her) children of Kazakh nationality born and resided permanently beyond the boundaries of the Republic of Kazakhstan after acquisition of its the sovereignty, arrived to the Republic of Kazakhstan for the purpose of permanent residence in historical homeland and settled to the regions determined by the Government of the Republic of Kazakhstan and received the relevant status in the manner established by this Law;

14) information data base on oralman – data collection on oralman and their family members, as well as on state social assistance rendered to them;

15) adaptation and integration centre for oralman – legal entity established by the Government of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan and intended for temporary residence and rendering of adaptation and integration services for oralman and their family members;

16) is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

17) admission for permanent residence – document issued by internal affairs bodies to immigrants in compliance with requirements established by the legislation of the Republic of Kazakhstan and granting them right to permanent residence in the territory of the Republic of Kazakhstan;

18) temporary accommodation centre – dwelling place intended for temporary residence of ethnic Kazakhs and their family members before receiving status of oralman;

19) admission for temporary residence (registration) – document issued by internal affairs bodies to immigrants in compliance with requirements established by the legislation of the Republic of Kazakhstan and granting them the right of residence for particular term in the territory of the Republic of Kazakhstan depending on the purpose of arrival;

20) authorized body on the issues of migration of population – state body carrying out regulation of migration processes and coordination of work in the field of migration of population within its competence;

20-1) authorized body on the issues of formation of state policy in the field of migration of population – state body carrying out formation of state policy in the field of migration of population within its competence;

21) inviting person – a person residing in the Republic of Kazakhstan and assisting the entry of his (her) family members into Republic of Kazakhstan for the purpose of family reunification in accordance with this Law;

22) quota on engagement of foreign working power – quantity of foreign working power engaged for carrying out of labour activity in the territory of the Republic of Kazakhstan;

23) permit for engagement of foreign working power – standard type document issued by local executive body to employee for engagement of foreign working power in the Republic of

Kazakhstan within the quota distributed by authorized body on the issues of migration of population;

24) employment authorization for foreign employee – standard type document issued by local executive body to foreign employee included to the list determined by the Government of the Republic of Kazakhstan for self-employment in the Republic of Kazakhstan within the quota distributed by the authorized body on the issues of migration of population;

25) internal migration – resettlement of individuals within the Republic of Kazakhstan for the purpose of permanent or temporary residence;

26) internal migrant – a settler or person migrating within the Republic of Kazakhstan on an independent basis for the purpose of permanent or temporary residence;

27) quota of resettlement of internal migrants – limit number of families of citizens of the Republic of Kazakhstan, resettled from inhabited localities with special unfavourable living conditions and low potential for development in economically promising regions of the Republic of Kazakhstan for permanent residence established by the Government of the Republic of Kazakhstan;

28) ethnic Kazakh – foreign person or stateless person of Kazakh nationality residing permanently abroad.

Footnote. Article 1 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 2. Legislation of the Republic of Kazakhstan in the field of migration of population

1. Legislation of the Republic of Kazakhstan in the field of migration of population is based on the Constitution of the Republic of Kazakhstan and consists of this Law, other regulatory legal acts.

2. If international treaty ratified by the Republic of Kazakhstan establishes other rules than those provided in this Law, the rules of international treaty shall be applied.

Article 3. Main types of migration

Depending on the purpose of entry into the territory of the Republic of Kazakhstan and stay in the territory of the Republic of Kazakhstan, the following main types of immigration shall be distinguished:

- 1) for the purpose of return to historical homeland;
- 2) for the purpose of family reunification;
- 3) for the purpose of receipt of education;
- 5) on humanitarian and political motives.

Article 4. Basic principles and tasks of state policy in the field of migration of population

1. State policy in the field of migration of population is based on the following basic principles:

1) recognition and guaranteeing of rights and freedoms of migrants in accordance with the Constitution of the Republic of Kazakhstan, Laws and international treaties;

- 2) protection of national interests and provision of the national security;
 - 3) combination of interests of a person, society and state;
 - 4) accountability of regulating the migration processes on the basis of updating and repetition of used information;
 - 5) differentiated approach of the state to regulation of different types of immigration.
2. Main tasks of the state policy in the field of migration of population are:
- 1) protection of rights and freedoms of migrants;
 - 2) organization of rational resettlement of oralmsans in recognition of interests of demographic and social-economic development of regions;
 - 3) engagement of highly qualified foreign working power for carrying out of labour activity in the Republic of Kazakhstan;
 - 4) protection of internal labour market by setting quotas of engaging the foreign working power;
 - 5) ensuring of integration of Kazakhstan into international labour market;
 - 6) development of cooperation of the Republic of Kazakhstan with other states for the purposes of prevention and avoidance of conflicts that may lead to mass migration of population ;
 - 7) optimization of streams of internal migration, ensuring of rational resettlement within the territory of country;
 - 8) maintenance and development of mutual relations with former compatriots and ethnic Kazakhs residing abroad, as well as in the field of cultural cooperation and information support;
 - 9) assistance to ethnic Kazakhs in resettlement in historical homeland;
 - 10) international cooperation in the scope of regulation of migration processes, prevention and suppression of illegal migration.

Article 5. Rights and obligations of immigrants

1. Immigrants in the Republic of Kazakhstan shall have the right to:
 - 1) use the rights and freedoms established for citizens of the Republic of Kazakhstan unless otherwise provided by the Constitution, Laws and international treaties;
 - 2) education, medical care and social assistance in the manner established by the legislation of the Republic of Kazakhstan;
 - 3) free movement within the territory of the Republic of Kazakhstan opened for visiting of immigrants;
 - 4) free choice of the place of residence in the manner established by the legislation of the Republic of Kazakhstan;
 - 5) go in court and state bodies for protection of property and personal non-property rights belonged to them;
 - 6) receipt of paid adaptation and integration services in adaptation and integration centres for oralmsans, with the exception of oralmsans and their family members receiving these services on a gratuitous basis.
2. Immigrants in the Republic of Kazakhstan shall:
 - 1) bear obligations established for citizens of the Republic of Kazakhstan, unless otherwise provided by the Constitution, Laws and international treaties;
 - 2) be obliged to comply with the Constitution and legislation of the Republic of Kazakhstan, as well as with established procedure for entry, leave and stay in the territory of the Republic of Kazakhstan.

Article 6. General conditions for entry, leave and stay of immigrants

1. Procedure for entry, leave and stay in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan.

2. Immigrants arrived from the states that concluded the agreements with the Republic of Kazakhstan on visa-free procedure for entry and stay, shall enter according to valid passports or documents substituting them in compliance with conditions established by international treaties of the Republic of Kazakhstan.

3. Entry visas into Republic of Kazakhstan and visas for leave from the Republic of Kazakhstan shall be issued to immigrants by foreign establishments of the Republic of Kazakhstan in coordination with body of national security.

Visas for leave from the Republic of Kazakhstan and entry visas into Republic of Kazakhstan to immigrants being in the territory of the Republic of Kazakhstan shall be issued by internal affairs bodies.

4. Immigrants shall be obliged to register in internal affairs bodies of the Republic of Kazakhstan within five calendar days after crossing of the State Border of the Republic of Kazakhstan. In case of change of place of residence, immigrants shall be obliged to register at the place of residence within five calendar days from the date of deregistration at the place of previous registration.

Migration cards shall be subject to surrender upon leave from the Republic of Kazakhstan.

Footnote. Article 6 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. Foreign persons and stateless persons that are not immigrants

The following foreign persons and stateless persons are not immigrants:

1) being in the territory of the Republic of Kazakhstan no more than ninety calendar days with the purposes not provided by Article 3 of this Law. Mentioned persons shall be obliged to be registered in internal affairs bodies of population within five calendar days after crossing of the State Border of the Republic of Kazakhstan;

2) passing through the territory of the Republic of Kazakhstan in transit within the term not exceeding five days;

3) being at military service in units located in the territory of the Republic of Kazakhstan;

4) included in composition of diplomatic representatives, consular institutes and international organizations accredited in the Republic of Kazakhstan;

5) being the representatives of foreign mass media accredited in the Republic of Kazakhstan;

6) being crew members of marine and river vessels, air, railway and automobile transport being in the territory of the Republic of Kazakhstan;

7) stayed in the territory of the Republic of Kazakhstan for the purpose of carrying out of missionary activity.

Legal status of persons mentioned in part one of this Article shall be determined by the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Chapter 2. STATE MANAGEMENT SYSTEM OF MIGRATION PROCESSES OF POPULATION IN THE REPUBLIC OF KAZAKHSTAN

Article 8. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan shall:

1) develop principal directions of state policy in the field of migration of population and organize its carrying out;

2) establish quota on engagement of foreign working power;

Note of RCLII!

Subparagraph 3 (shall be enforced from 01.01.2015 (see Article 63)).

3) establish quota of resettlement of internal migrants;

4) determine procedure for documentation and registration of population;

5) determine regions for resettlement of oralmans;

6) adopt regulatory legal acts in the field of migration of population within its competence;

7) determine procedure for entry and stay of immigrants in the Republic of Kazakhstan, as well as their leave from the Republic of Kazakhstan;

7-1) determine procedure for entry and registration of participants and (or) employees of participants of international specialized exhibition in the territory of the Republic of Kazakhstan;

8) create adaptation and integration centres for oralmans;

9) perform other functions imposed on it by the Constitution of the Republic of Kazakhstan, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Footnote. Article 8 as amended by the Laws of the Republic of Kazakhstan dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2013 No. 151-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 8-1. Competence of authorized body on the issues of formation of state policy in the field of migration of population

Authorized body on the issues of formation of state policy in the field of migration of population shall:

1) form state policy in the scope of migration of population;

2) organize and carry out cooperation with authorized bodies of foreign states and international organizations in the scope of regulation of migration processes within the competence;

2-1) develop procedure for entry and registration of participants and (or) employees of participants of international specialized exhibition in the territory of the Republic of Kazakhstan;

3) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 8-1 in accordance with the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.12.2013 No. 151-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 9. Competence of internal affairs bodies

Internal affairs bodies shall:

- 1) implement state policy in the field of migration of population within the competence;
- 2) determine procedure for registration of immigrants' passports, their movement, as well as entry into separate locations (territories) closed for visiting of foreign persons, procedure for travel in transit of foreign persons and stateless persons through the territory of the Republic of Kazakhstan jointly with the Ministry of Foreign Affairs of the Republic of Kazakhstan in coordination with the National Security Committee of the Republic of Kazakhstan;
- 3) form common data base of accounting of entry and leave of foreign persons and stateless persons, ensure system updating of details, as well as carry out well-timed information exchange with authorized body on the issues of migration of population, Ministry of Foreign Affairs of the Republic of Kazakhstan and body of the national security;
- 4) issue visa for leave from the Republic of Kazakhstan and entry visas into Republic of Kazakhstan to immigrants being in the territory of the Republic of Kazakhstan;
- 5) carry out accounting and registration of foreign persons and stateless persons;
- 6) control compliance with established rules for entry into Republic of Kazakhstan, leave from the Republic of Kazakhstan, stay in the Republic of Kazakhstan and travel in transit through the territory of the Republic of Kazakhstan by immigrants;
- 7) take measures on suppression of illegal immigration;
- 8) take decisions on reduction of the term of staying in the Republic of Kazakhstan by immigrants in accordance with the legislation of the Republic of Kazakhstan;
- 9) draw up the documents to immigrants for the right of entry into frontier zone;
- 10) determine procedure for issuance and issue admission for temporary and permanent residence in the Republic of Kazakhstan;
- 11) take decisions on assignment of refugee status;
- 12) draw up documents for leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence;
- 13) take decisions on refusal in representing admissions to citizens of the Republic of Kazakhstan for leave from the Republic of Kazakhstan for permanent place of residence in accordance with the legislation of the Republic of Kazakhstan;
- 14) carry out accounting and registration of citizens of the Republic of Kazakhstan;
- 15) carry out registration at the place of residence and deregistration of citizens of the Republic of Kazakhstan;
- 16) carry out recording of citizens of the Republic of Kazakhstan arriving at the temporary place of residence, at the place of temporary stay;
- 16-1) issue and revoke permits to labour immigrant;
- 17) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 10. Competence of the Ministry of Foreign affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan

Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan shall:

- 1) implement the state policy in the field of migration of population within its competence;
- 2) assist in distribution of information abroad on the state policy of the Republic of

Kazakhstan in the field of migration of population;

3) assist in development of connections and contacts with former compatriots and ethnic Kazakhs;

4) form common data base of accounting of issuing the entry visas to foreign persons and stateless persons, ensure systematic updating of details, as well as carry out well-timed information exchange with internal affairs bodies and bodies of the national security;

5) inform ethnic Kazakhs submitted application on assignment of status of oralman, on regions of resettlement of oralmans determined by the Government of the Republic of Kazakhstan, accept, register the documents of immigrants addressed with application on entry into Republic of Kazakhstan, refer them to the body of the national security and procure the entry visas into Republic of Kazakhstan for a permanent residence;

6) carry out international cooperation in the field of migration of population within its competence;

7) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 10 as amended by the Laws of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 11. Competence of authorized body on the issues of migration of population

Authorized body on the issues of migration of population shall:

1) implement the state policy in the field of migration of population within the competence;

2) carry out cross-sector coordination of the activity of state bodies on the issues of migration of population within the competence;

3) carry out coordination and organizational supervision of local executive bodies in the field of migration of population;

4) develop and submit proposals on formation of quotas of resettlement of internal migrants to the Government of the Republic of Kazakhstan on engagement of foreign working power ;

4-1) submit proposals on determination of regions for resettlement of oralmans to the Government of the Republic of Kazakhstan;

5) distribute the quotas of resettlement of internal migrants and on engagement of foreign working power between oblasts, cities of republican significance and the capital;

6) provide social security of migrants in accordance with the legislation of the Republic of Kazakhstan;

7) carry out monitoring of migration processes;

8) develop the system of measures in the field of regulation and monitoring of migration processes;

9) determine procedure for assignment of status of oralman;

10) consider appeals on refusal in assignment of status of oralman;

11) determine procedure for activity of the adaptation and integration centres, temporary accommodation centres;

12) form the unified data base of labour migrants and ethnic Kazakhs and ensure interaction with the relevant information systems of internal affairs bodies, body of the national security, Ministry of Foreign Affairs;

13) control compliance with the legislation of the Republic of Kazakhstan on migration of population within the competence;

14) organize and carry out cooperation with authorized bodies of foreign states and international organizations in the scope of regulation of migration processes within the

competence;

15) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 11 is in the wording of the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 12. Competence of authorized body in the field of health care service

Authorized body in the field of health care service:

1) implement the state policy in the field of migration of population within its competence;

2) approve procedure for medical treatment to immigrants;

3) approve the list of diseases, the existence of which prohibits the entry of foreign persons and stateless persons into Republic of Kazakhstan;

4) introduce restrictive measures, as well as quarantine in adaptation and integration centres for oralmans, temporary accommodation centres in the manner established by the legislation of the Republic of Kazakhstan;

5) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Article 13. Competence of authorized body in the field of education

Authorized body in the field of education shall:

1) implement the state policy in the field of migration of population within its competence;

2) appropriate educational grants to ethnic Kazakhs and oralmans in accordance with quota for admission for studies in educational organizations of the Republic of Kazakhstan, implementing educational programs of technical and professional education, post-secondary and higher education established by the Government of the Republic of Kazakhstan;

3) provide course and teaching materials to ethnic Kazakhs studying in general education institutes abroad in accordance with international treaties, the participant of which is the Republic of Kazakhstan;

4) is excluded by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

5) carry out other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and Government of the Republic of Kazakhstan.

Footnote. Article 13 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 14. Competence of body of national security

Body of national security shall:

1) implement the state policy in the field of migration of population within its competence;

2) form common data base of accounting of entry and leave of foreign persons and stateless persons, ensure system updating of details, as well as carry out well-timed information exchange with internal affairs bodies and Ministry of Foreign Affairs of the Republic of Kazakhstan;

3) coordinate entry of immigrants into Republic of Kazakhstan and separate locations (territories) closed for visiting of foreign persons;

4) carry out issuance of migration cards to immigrants upon entry into Republic of Kazakhstan and their surrender upon leave from the Republic of Kazakhstan;

5) carry out other functions provided by this Law, other Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 15. Competence of local executive bodies

1. Local executive bodies of oblasts, cities of republican significance, the capital shall:

1) implement the state policy in the field of migration of population within its competence;

2) ensure receipt of medical care by oralmans and immigrants in accordance with the legislation of the Republic of Kazakhstan;

3) submit proposals on formation of quota of resettlement of internal migrants to authorized body on the issues of migration of population in recognition of needs in labour resources;

4) submit proposals on formation of quota on engagement of foreign working power to authorized body on the issues of migration of population;

5) carry out accounting and registration of labour migrants;

6) accept the application with attachment of necessary documents from citizens of the Republic of Kazakhstan on assignment of status of settler and inclusion to quota of resettlement of internal migrants;

7) **Note of RCLI! Subparagraph 7) is provided by the Law of the Republic of Kazakhstan dated 10.12.2013 no. 153-V (shall be enforced from 01.01.2015);**

8) issuance of certificate of a settler;

9) organize the activity of adaptation and integration centres for oralmans, temporary accommodation centres;

10) take measures on ensuring of the right of migrants' children to education in accordance with the legislation of the Republic of Kazakhstan;

11) issue permits for engagement of foreign working power to employees for carrying out of labour activity in the territory of the relevant administrative-territorial entity within the quota distributed by authorized body on the issues of migration of population, as well as suspend and revoke the mentioned permits;

12) issue employment authorizations to foreign employees, the list of which shall be determined by the Government of the Republic of Kazakhstan in the territory of the relevant administrative-territorial entity within the quota distributed by authorized body on the issues of migration of population, as well suspend and revoke mentioned authorizations;

13) issue application on extension or reduction of permit durations to temporary residence of business-immigrants;

14) carry out other powers in behalf of local state administration imposed on local executive bodies by the legislation of the Republic of Kazakhstan.

2. Local executive bodies of districts, cities of oblast significance shall:

1) implement the state policy in the field of migration of population within their competence;

2) provide assistance to oralmans referred to target population in employment, professional training, retraining and raise of qualification in accordance with the legislation of the Republic of Kazakhstan on employment of population;

- 3) provide places in schools, kindergartens, as well as in medical and social institutions in the manner established by the legislation of the Republic of Kazakhstan;
 - 4) create conditions to oralmen for learning of Kazakh language, and Russian language at their will;
 - 5) carry out other powers imposed on local executive bodies by the legislation of the Republic of Kazakhstan in behalf of local state administration.
3. In regions determined by the Government of the Republic of Kazakhstan for resettlement of oralmen, local executive bodies, except for competence determined by paragraphs 1 and 2 of this Article shall:
- 1) carry out accounting and registration of oralmen;
 - 2) accept application with attachment of necessary documents from ethnic Kazakhs on assignment of status of oralman;
 - 3) take decision on assignment of status of oralman;
 - 4) issue certificate of oralman;
 - 5) provide social assistance to oralmen at the expense of budget means in accordance with the legislation of the Republic of Kazakhstan;
 - 6) grant land fields to oralmen for management of personal subsidiary economy, gardening and suburban construction, as well as peasant or farm economy and commercial agriculture in accordance with the land legislation of the Republic of Kazakhstan.

Footnote. Article 15 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 3. IMMIGRATION FOR THE PURPOSE OF RETURN TO HISTORICAL HOMELAND

Article 16. Quota of immigration of oralmen

Footnote. Article 16 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 17. Categories of oralmen

Footnote. Article 17 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 18. Procedure for filing application on assignment of status of oralman

1. Ethnic Kazakhs entered into the territory of the Republic of Kazakhstan on an independent basis and received permit for permanent residence in the Republic of Kazakhstan shall file application on assignment of status oralman to local executive bodies mentioned in paragraph 3 of Article 15 of this Law.
2. Ethnic Kazakhs residing beyond the boundaries of the Republic of Kazakhstan shall file application on assignment of status of oralman in foreign establishments of the Republic of Kazakhstan.
3. Assignment of status of oralman shall be carried out in accordance with Articles 20 and 21 of this Law.
4. All family members that are not the citizens of the Republic of Kazakhstan shall be stated in application:

- 1) husband (wife);
- 2) parents of an applicant and husband (wife);
- 3) children (as well as adopted children) and their family members;
- 4) single brothers and sisters of the whole and half blood.

Footnote. Article 18 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 19. Commission on inclusion of immigration of oralmans to quota

Footnote. Article 17 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 20. Assignment of status of oralman to ethnic Kazakhs, applying on this before entry into the territory of the Republic of Kazakhstan

1. Foreign establishments of the Republic of Kazakhstan shall accept and direct the applications and documents from ethnic Kazakhs on assignment of status of oralman to authorized body on the issues of migration of population within thirty calendar days from the date of their registration.

2. Nationality of a contender applying on assignment of status of oralman before entry into the territory of the Republic of Kazakhstan shall be established on the basis of record in documents certifying identity. In the absence of such record, foreign establishments of the Republic of Kazakhstan shall attach copies of other documents confirming nationality of a contender to documents directed to the authorized body on the issues of migration of population

3. Within five business days from the date of receipt of applications and documents of ethnic Kazakhs on assignment of status of oralman, authorized body on the issues of migration of population shall direct them for taking decision on assignment of status of oralman to local executive bodies mentioned in paragraph 3 of Article 15 of this Law.

Within five business days from the date of receipt of applications and documents of ethnic Kazakhs, local executive bodies mentioned in paragraph 3 of Article 15 of this Law shall direct them for verifying for existence or absence of compromise details on commission of crimes or infractions in the territory of the Republic of Kazakhstan by contenders applying on assignment of status of oralman or other information on their belonging to terroristic or extremist organizations to territorial subdivisions of internal affairs bodies, bodies of national security, prosecutor's office of the relevant regions for taking decision.

Within thirty calendar days from the date of registration of applications and documents of ethnic Kazakh, territorial subdivisions of internal affairs bodies, bodies of national security, prosecutor's office shall direct information on existence or absence of grounds mentioned in part two of this paragraph, precluding assignment of status of oralman by ethnic Kazakhs to local executive bodies mentioned in paragraph 3 of Article 15 of this Law.

Local executive bodies mentioned in paragraph 3 of Article 15 of this Law shall prepare decision on assignment of status of oralman to ethnic Kazakhs filed the application on assignment of status of oralman, or on refusal in assignment of status of oralman with well-reasoned grounds for refusal within ten calendar days from the date of receipt of information.

4. Decision on assignment of status of oralman shall be taken in compliance of a contender with conditions established by subparagraph 13) of Article 1 of this Law.

5. Decision on assignment of status of oralman or on refusal with well-reasoned grounds for refusal shall be directed to authorized body on the issues of migration of population

within two business days. Authorized body on the issues of migration of population shall direct this decision to foreign establishments of the Republic of Kazakhstan for transmittal to an applicant.

6. General term for considering application of ethnic Kazakhs on assignment of status of oralman shall not exceed three months from the date of its receipt to authorized body on the issues of migration of population.

7. After receipt of decision on assignment of status of oralman, foreign establishments of the Republic of Kazakhstan shall direct it to ethnic Kazakh and provide assistance in resettlement to the Republic of Kazakhstan or inform about refusal in assignment of status of oralman within one month.

8. Upon arrival of ethnic Kazakh that filed the application on assignment of status of oralman to the regions of resettlement determined by the Government of the Republic of Kazakhstan, local executive bodies mentioned in paragraph 3 of Article 15 of this Law shall assign the status of oralman to an applicant and his (her) family members within three business days from the date of applying in recognition of previously adopted decision.

9. Oralman and their family members shall have the right to receive permits for permanent residence, registration at the place of residence and receipt of certificate of oralman within ten business days from the date of applying.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 21. Assignment of status of oralman to ethnic Kazakhs entered into the territory of the Republic of Kazakhstan

1. Local executive bodies mentioned in paragraph 3 of Article 15 of this Law shall consider and take decisions upon applications of ethnic Kazakhs entered and received permit for permanent residence in the Republic of Kazakhstan on assignment of status of oralman within the term not later than five business days from the date of registration of applications.

Assignment of status of oralman shall be carried out in compliance of a contender with conditions established by subparagraph 13) of Article 1 of this Law.

In case of adoption of decision on assignment of status of oralman, local executive bodies mentioned in paragraph 3 of Article 15 of this Law shall issue certificate of oralman to ethnic Kazakh and his (her) family members entered into the territory of the Republic of Kazakhstan.

2. Nationality of a contender for assignment of status of oralman shall be approved in accordance with record in documents certifying identity. In case of absence of such record, the foreign establishments of the Republic of Kazakhstan upon request of authorized body on the issues of migration of population shall direct the copies of other documents confirming the nationality of a contender.

Footnote. Article 21 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its official publication).

Article 22. Special aspects of including separate family members of ethnic Kazakhs into quota of immigration

Footnote. Article 17 is excluded by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 23. Benefits and other types of social assistance provided to oralmans, ethnic Kazakhs and their family members

1. Ethnic Kazakhs and family members arriving in regions determined by the Government of the Republic of Kazakhstan for resettlement of oralmans shall be released from confirmation of own paying capacity upon receipt of permit for permanent residence in the Republic of Kazakhstan.

2. Persons that received the status of oralman and their family members shall be provided by:

- 1) gratuitous adaptation and integration services in adaptation and integration centres for oralmans;
- 2) medical care in accordance with the legislation of the Republic of Kazakhstan in the field of health care service;
- 3) places in schools and kindergartens equally with citizens of the Republic of Kazakhstan, possibility of obtaining education in accordance with allocated quota on admission in educational organizations of technical and professional, post-secondary and higher education in amount determined by the Government of the Republic of Kazakhstan;
- 4) social protection equally with citizens of the Republic of Kazakhstan;
- 5) assistance in employment in accordance with the legislation of the Republic of Kazakhstan.

3. Land plots on the basis of the right of temporary gratuitous land use from the lands of rural inhabited localities, agricultural lands, immigration land fund, special land fund and reserve lands shall be granted to oralmans for management of personal subsidiary economy, gardening and suburban construction in accordance with the land legislation of the Republic of Kazakhstan.

Land plots on the basis of the right of temporary land use from the agricultural lands, special land fund, immigration land fund and reserve lands shall be granted to oralmans for peasant or farm economy and commercial agriculture.

4. Local executive bodies mentioned in paragraph 3 of Article 15 of this Law may establish lump-sum benefits for oralmans and their family members including expenses for travel to permanent place of residence and carriage of property.

5. Concessional credit loans shall be provided to oralmans and their family members arrived to regions determined by the Government of the Republic of Kazakhstan for settlement of oralmans, except for benefits and other types of social assistance provided in paragraphs 1, 2 and 3 of this Article for construction, restoration or acquisition of dwelling place.

6. Oralmans mentioned in paragraph 5 of this Article shall be obliged to compensate concessional credit loans in advance and in full measure, received by them for construction, restoration or acquisition of dwelling place in cases of:

- 1) internal independent migration beyond the boundaries of region determined by the Government of the Republic of Kazakhstan for resettlement upon receipt of status of oralman at own will expression within the first five years of residing in the Republic of Kazakhstan;
- 2) leave for permanent place of residence beyond the boundaries of the Republic of Kazakhstan.

Footnote. Article 23 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 24. Adaptation and integration of oralmans

1. In regions determined by the government of the Republic of Kazakhstan for resettlement of oralmans, the primary resettlement of ethnic Kazakhs and their family members shall be carried out at their will in temporary accommodation centres before assignment of status of

oralman in the manner and within terms that shall be determined by authorized body on the issues of migration of population.

2. For rendering of adaptation and integration services, adaptation and integration centres for oralman shall be created.

Procedure and terms for residence of oralman and their family members in adaptation and integration centres for oralman, as well as procedure for rendering of adaptation and integration services to them shall be determined by authorized body on the issues of migration population.

Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 25. Termination of status of oralman

Status of oralman shall be terminated:

- 1) after receipt of citizenship of the Republic of Kazakhstan by oralman;
- 2) in case of annulment of permit for permanent residence in the Republic of Kazakhstan on the grounds provided by Article 49 of this Law;
- 3) upon expiry of seven years from the date of receiving the status of oralman, if he (she) did not file application on conferment of nationality of the Republic of Kazakhstan;
- 4) in case of internal independent migration of oralman at own will expression beyond the boundary of the region determined for resettlement upon receipt of status of oralman within the first five years of residence in the Republic of Kazakhstan.

Footnote. Article 25 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 26. Rights and obligations of oralman

1. Oralman and their family members shall have the right to:

- 1) receipt of citizenship of the Republic of Kazakhstan in simplified (registration) manner;
- 2) benefits, compensations and other types of social assistance established by the legislation of the Republic of Kazakhstan;
- 3) correct statement of first name, patronymic (in its existence) and last name in Kazakh language after acquisition of citizenship of the Republic of Kazakhstan on the basis of available documents.

2. Oralman and their family members shall be obliged to:

- 1) represent reliable details required for considering their application on assignment of status of oralman to foreign establishments of the Republic of Kazakhstan, as well as to local executive bodies;
- 2) undergo medical examinations upon request of bodies of health care service, receive vaccination, undertake treatment, as well as perform prescriptions of bodies of health care service;
- 3) settle in adaptation and integration centres for oralman upon receiving referral to there within three calendar days and vacate provided premise after completion of the period of stay established by authorized body on the issues of migration of population;
- 4) comply with established manner of stay in temporary accommodation centres and adaptation and integration centres for oralman.

Footnote. Article 26 as amended by the Laws of the Republic of Kazakhstan dated

13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 4. IMMIGRATION FOR THE PURPOSE OF FAMILY REUNIFICATION

Article 27. Inviting persons and family members of receiving persons

1. The following persons may be inviting persons:

- 1) citizens of the Republic of Kazakhstan;
- 2) ethnic Kazakhs and former compatriots residing temporary in the territory of the Republic of Kazakhstan;
- 3) immigrants residing permanently in the territory of the Republic of Kazakhstan and business-immigrants.

2. Inviting persons shall have the right to apply on entry of their family members being foreign persons and stateless persons into Republic of Kazakhstan for the purpose of family reunification.

3. Family members of inviting persons entering into Republic of Kazakhstan for the purpose of family reunification may be:

- 1) husband (wife) being married no less than three years recognized by the legislation of the Republic of Kazakhstan;
- 2) children, as well as adopted children not attained the age of eighteen years, not married and being in dependence and (or) under trusteeship (guardianship) of an inviting person ;
- 3) children, as well as adopted children older than eighteen years, not married and not able to make provisions to themselves on an independent basis according to reasons linked with health condition;
- 4) disabled parents being in dependence of an inviting person;
- 5) other family members the maintenance of which is the obligation of inviting person.

4. The following family members of inviting person shall be allowed to the Republic of Kazakhstan for the purpose of family reunification:

- 1) all the persons mentioned in paragraph 3 of this Article - if inviting person is the citizen of the Republic of Kazakhstan.

Permit for temporary residence to mentioned persons shall be issued for the term up to three years with the right of the following extension;

- 2) all the persons mentioned in subparagraphs 1), 2), 3) and 4) of paragraph 3 of this Article, if the inviting person is ethnic Kazakh or former compatriot that received permit for temporary residence (for the term no less than two years).

Permit for temporary residence to mentioned persons shall be issued for the term of validity of the permit for temporary residence of an inviting person;

- 3) persons mentioned in subparagraphs 1), 2), 3) and 4) of paragraph 3 of this Article, if the inviting person is immigrant residing permanently in the Republic of Kazakhstan, or business-immigrant residing on an continuous basis in the territory of the Republic of Kazakhstan no less than two years.

Permits for temporary residence to family members of inviting person having permit for permanent residence shall be issued for one year with the right of annual extension.

Permits for temporary residence to family members of inviting person being business immigrant shall be issued for one year with possibility of annual extension. By this, permits for temporary residence to family members of inviting person may not exceed the term of validity of permit for temporary residence of inviting person.

5. Immigration for the purpose of family reunification shall not be allowed in respect of family members of the following categories of immigrants being in the territory of the Republic of Kazakhstan:

- 1) for the purpose of receiving education (pupils of general education schools, students and probationers) for the period of study, professional training and (or) probation;
- 2) seasonal foreign employees;
- 3) immigrants on humanitarian motives.

Article 28. Procedure for receipt of entry visa into Republic of Kazakhstan for the purpose of family reunification

1. Entry visa into Republic of Kazakhstan for the purpose of family reunification shall be issued on the basis of application of an inviting person on family reunification.

2. Family members of inviting person for receipt of entry visa into Republic of Kazakhstan shall file application and the following documents to the foreign establishments of the Republic of Kazakhstan:

- 1) application of inviting person;
- 2) notarized copy of permit for temporary residence of the inviting person, with the exception of citizens of the Republic of Kazakhstan;
- 3) notarized copy of documents certifying identity of inviting person and family members;
- 4) confirmation of availability of money of inviting person for maintenance of each family member in month in amount no less than minimal salary established by the Law of the Republic of Kazakhstan on republican budget;
- 5) confirmation of availability of dwelling place of inviting person in the territory of the Republic of Kazakhstan, the floor space of which conforms to established minimal standards for each family member, as well as sanitary and other regulations established by the legislation of the Republic of Kazakhstan;
- 6) medical insurance for family members of inviting person;
- 7) notarized copy of documents confirming family relations with inviting person represented by the authorized state bodies of the Republic of Kazakhstan or foreign state;
- 8) document confirming existence or absence of record of conviction for adult family members.

3. Immigrants having the right to residence in the Republic of Kazakhstan for the purpose of family reunification, permits shall be extended by internal affairs bodies in case of termination of effects of circumstances with existence of which the issuance of permits for temporary residence is linked (attainment of major age, death of person requested reunification, dissolution or annulment of marriage, on the basis of which the reunification is made) on the basis of their applications for the period up to six months upon conditions of confirming the existence of required financial means for this provided by subparagraph 4) of paragraph 2 of this Article.

Footnote. Article 28 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 29. Rights and obligations of immigrants arrived for the purpose of family reunification

1. Children entered into Republic of Kazakhstan for the purpose of family reunification shall have the right to receive education in the manner established by the legislation of the Republic of Kazakhstan.

2. Immigrants arrived for the purpose of family reunification shall have the right to carrying out of labour activity on the following conditions:

- 1) family members mentioned in subparagraph 1) of paragraph 3 of Article 27 of this Law, whose inviting persons are citizens of the Republic of Kazakhstan shall carry out labour activity on general conditions with citizens of the Republic of Kazakhstan in accordance with

the legislation of the Republic of Kazakhstan;

2) family members whose inviting persons are the persons listed in subparagraphs 2) and 3) of paragraph 1 of Article 27 of this Law shall carry out labour activity on the basis of employment authorization to foreign employee or permits to employer for engagement of foreign working power issued by local executive bodies within the quota and in the manner determined by the Government of the Republic of Kazakhstan.

3. Immigrants arrived for the purpose of family reunification shall:

1) bear responsibility provided by the Laws of the Republic of Kazakhstan in respect of immigrants stayed in the territory of the Republic of Kazakhstan;

2) be obliged to leave the Republic of Kazakhstan upon completion of the term of validity of permit for temporary residence, if there are no legal grounds for the further stay.

Chapter 5. IMMIGRATION FOR THE PURPOSE OF RECEIVING EDUCATION

Article 30. Immigrants arrived for the purpose of receiving education

Students admitted to educational organizations implementing educational programs of general secondary, technical and professional, post-secondary, higher and post-graduate education, as well as through organizational exchange programs of students and undergoing of preparatory courses shall relate to immigrants arrived to the territory of the Republic of Kazakhstan for the purpose of receiving education.

Article 31. Conditions for entry of immigrants arrived for the purpose of receiving education

Immigrants arrived for the purpose of receiving education shall be obliged to:

1) represent confirmation of their paying capacity required for paying the residence, as well as education in accordance with agreement between immigrant and receiving educational organizations, with the exception of ethnic Kazakhs in the manner and amounts determined by the Government of the Republic of Kazakhstan;

2) represent medical certificate confirming the absence of diseases impeding the receipt of education on elected specialty, and have medical insurance;

3) represent confirmation of existence or absence of record of conviction;

4) represent confirmation on admission to educational institutes and (or) confirm the consent of inviting party on professional training before entry into Republic of Kazakhstan.

Article 32. Conditions for issuing entry visa to immigrants arrived for the purpose of receiving education

1. Entry visas to immigrants arrived for the purpose of receipt of education shall be issued by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan with the consent of parents or trustees, guardians on the basis of application of an educational institution or authorized body on the issues of education for the term no more than one year determined on the basis of application of receiving educational organization.

Permit for temporary residence to immigrants arrived for the purpose of receiving education shall be issued by internal affairs bodies on the basis of application of educational institute for the term of education determined on the basis of application of receiving educational organization.

2. Entry visas and permits for temporary residence of immigrants arrived for the purpose

of receiving education shall be extended on annual basis by internal affairs bodies for the term required for completion of education, but no more than one year, upon confirmation of receiving educational organization.

3. Receiving educational organizations shall ensure well-timed clarification of the rights and obligations provided by the Laws of the Republic of Kazakhstan to immigrants arrived for the purpose of receiving education, and required conditions for their implementation, as well as bear responsibility established by the Laws of the Republic of Kazakhstan for untimely drawing up of documents for the right to their stay in the Republic of Kazakhstan, movement through the territory of country and to leave from the Republic of Kazakhstan upon expiry of the term of validity of permit for temporary residence.

4. Permits for temporary stay of immigrants arrived for the purpose of receiving education from the states concluded agreements on visa-free procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies in accordance with international treaties ratified by the Republic of Kazakhstan.

Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. Main rights and obligations of immigrants arriving for the purpose of receiving education

1. Right to receipt of gratuitous technical and professional, post-secondary, higher and post-graduate education by foreign persons or stateless persons on competition basis in accordance with the state education order shall be determined by international treaties ratified by the Republic of Kazakhstan.

Ethnic Kazakhs arrived to the Republic of Kazakhstan for the purpose of receiving education shall have the right to file application for permanent residence and on conferment of nationality of the Republic of Kazakhstan after admission for studies.

2. Immigrants arrived for the purpose of receiving education shall:

1) incur obligations provided by the Laws of the Republic of Kazakhstan in respect of immigrants stayed in the territory of the Republic of Kazakhstan;

2) obliged to leave the Republic of Kazakhstan upon completion of the full course of studies and (or) professional training, if there are no legal grounds for the further stay.

Chapter 6. IMMIGRATION FOR THE PURPOSE OF CARRYING OUT OF LABOUR ACTIVITY

Article 34. Categories of immigrants arriving for the purpose of carrying out of labour activity

Immigrants arriving for the purpose of carrying out of labor activity shall be divided into the following categories:

1) foreign employees – immigrants arrived or engaged by employers for carrying out of labour activity in the territory of the Republic of Kazakhstan;

2) business-immigrants – immigrants arrived for the purpose of carrying out of entrepreneurial activity in accordance with the legislation of the Republic of Kazakhstan;

3) seasonal foreign employees – immigrants engaged to work by employers for performance of seasonal works that are carried out within particular period (season) in virtue of climatic or other natural conditions, but no more than one year;

4) labour immigrants – immigrants arrived to the Republic of Kazakhstan as domestic employees for the purpose of performance of works (rendering of services) for employers – individuals in home economics on the basis of permit to labour immigrant.

Footnote. Article 34 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 35. Conditions for entry of foreign employees

Foreign employees arriving for independent employment or engaged by employers shall be obliged to:

- 1) be adult;
- 2) represent confirmation of their paying capacity required for leave from the territory of the Republic of Kazakhstan upon expiry of the term of validity of employment authorization or permits for engagement of foreign working power by employer in the manner and amounts determined by the Government of the Republic of Kazakhstan;
- 3) have education, qualification and experience required for performance of coming work;
- 4) represent confirmation of existence or absence of record of conviction;
- 5) represent medical certificate confirming absence of diseases impeding the labour activity on elected specialty;
- 6) have medical insurance.

Article 36. Conditions for issuing entry visas to foreign employees

1. Entry visas to foreign employees shall be issued by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments of the Republic of Kazakhstan on the basis and for the term of validity of employment authorization issued to foreign employee or permit to employer for engagement of foreign working power.

2. Entry visa shall be issued to foreign employees arriving to the territory of the Republic of Kazakhstan for carrying out of labour activity in the regional financial centre of the city of Almaty upon arrival to international city of Almaty.

3. Permit for temporary residence to foreign employees arrived from the states concluded the agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies in accordance with international treaties ratified by the Republic of Kazakhstan.

4. Entry visas and permits for temporary residence to foreign employees shall be extended by internal affairs bodies for one year in existence of employment authorization of foreign employee or permit of employer for engagement of foreign working power for the coming year.

Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 37. Procedure for issuance of employment authorizations to foreign employees and permits to employers for engagement of foreign working power

1. Engagement of foreign working power shall be carried out on the basis of quota established by the Government of the Republic of Kazakhstan on professional and qualification categories.

Quota on engagement of foreign working power shall be determined in percentage to quantity of economically active population and (or) be established in absolute expression on priority projects and (or) on countries of origin in accordance with forecast of demands at labour market for the coming year.

2. Quota on engagement of foreign working power shall be distributed by authorized body on the issues of migration of population between oblasts, cities of republican significance and

the capital.

Local executive bodies shall issue and extend permits within established quotas to:

- 1) employers for engagement of foreign working power;
- 2) foreign employees to employment.

3. Carrying out of labour activity by foreign persons and stateless persons residing permanently in the Republic of Kazakhstan shall be made without receipt of employment authorizations by foreign employee or permits for engagement of foreign working power by employer.

4. Procedure and terms of establishing quota for engagement of foreign working power in the Republic of Kazakhstan, conditions and procedure for issuance of employment authorization to foreign employee and permits to employers for engagement of foreign working power shall be determined by the Government of the Republic of Kazakhstan.

5. Regulations of this Law on setting quotas of foreign working power and issuance of employment authorization to foreign employee and permits to employers for engagement of foreign working power shall not apply to foreign persons and stateless persons in cases provided by the Law of the Republic of Kazakhstan "On employment of population".

Footnote. Article 37 as amended by the Laws of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 12.06.2014 No. 209-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 38. Special aspects of regulating the labour activity of foreign employees from among ethnic Kazakhs and former compatriots

Local executive body shall issue employment authorization to foreign employees or permits to employers for engagement of foreign working power from among ethnic Kazakhs and former compatriots in simplified manner determined by the Government of the Republic of Kazakhstan.

Article 39. Conditions for entry and issuance of entry visas to business-immigrants

1. For receipt of entry visas, business-immigrants shall be obliged to:

- 1) be adult;
- 2) represent medical certificate confirming absence of diseases impeding the labour

activity;

- 3) have medical insurance;
- 4) represent confirmation of existence or absence of record of conviction and prohibition for carrying out of entrepreneurial activity on the ground of court decision;
- 5) have experience of entrepreneurial activity.

2. Entry visas into Republic of Kazakhstan shall be issued to business-immigrants by the Ministry of Foreign Affairs of the Republic of Kazakhstan and foreign establishments for the term up to two years.

3. Entry visas and permits for temporary residence to business-immigrants from among ethnic Kazakhs, as well as those arrived from the states that concluded the agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued for the term up to three years.

Article 40. Conditions for stay of business-immigrants in the territory of the Republic of Kazakhstan and their carrying out of entrepreneurial activity

1. Compulsory condition for stay of business-immigrants in the territory of the Republic of Kazakhstan is carrying out of entrepreneurial activity.

2. Within two months term from the date of entry into the territory of the Republic of Kazakhstan business-immigrant shall be obliged to:

2) register commercial organization in the Republic of Kazakhstan or join to composition of participants (shareholders) of commercial organizations carrying out activity in the territory of the Republic of Kazakhstan in accordance with civil legislation of the Republic of Kazakhstan;

2) contribute sum of money to the second tier bank of the Republic of Kazakhstan no less than minimal amount established by the legislation of the Republic of Kazakhstan upon registration of legal entity for formation its charter capital.

In case of non-fulfillment of obligations established by this Law by business-immigrants, internal affairs bodies shall take decision on reduction of the duration of stay of business-immigrants to the term required for their voluntary leave on the basis of application of local executive bodies.

Creation of legal entity, as well as participation in charter capital of commercial organizations by joining to composition of participants of legal entities shall be prohibited to foreign persons that didn't receive entry visas in the capacity of business-immigrants.

3. Import of equipment for organization of entrepreneurial activity to the territory of the Republic of Kazakhstan by business-immigrant shall be carried out on conditions and in the manner determined by customs legislation of the Republic of Kazakhstan.

4. Business immigrants may move freely through the territory of the Republic of Kazakhstan opened for visiting by foreign persons and choose the place of residence in accordance with the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 40 as amended by the Laws of the Republic of Kazakhstan dated 10.07.2012 No. 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 41. Conditions for entry and stay of seasonal foreign employees

1. Entry visas to seasonal foreign employees shall be issued by foreign establishments of the Republic of Kazakhstan on the basis of permits for engagement of foreign working power.

2. Permits for temporary residence of seasonal foreign employees arrived from the states concluded agreements on free-visa procedure for entry and stay with the Republic of Kazakhstan shall be issued by internal affairs bodies.

3. Seasonal foreign employees shall be obliged to:

1) be adult;

2) represent confirmation of their paying capacity required for leave from the territory of the Republic of Kazakhstan upon expiry of the term of validity of permit for engagement of foreign working power in the manner and amounts determined by the Government of the Republic of Kazakhstan;

3) represent medical certificate confirming the absence of diseases impeding the labour activity;

4) have medical insurance.

Footnote. Article 41 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 42. Conditions for engagement of seasonal foreign employees

1. Seasonal foreign employees shall be engaged in work in separate branches of economy in accordance with international treaties ratified by the Republic of Kazakhstan or on the basis of permits issued to employers by local executive bodies for engagement of foreign working

power within the quota on conditions and in the manner determined by the Government of the Republic of Kazakhstan.

2. Employees engaging seasonal foreign employees shall be obliged to provide temporary dwelling place to them, satisfying sanitary and other regulations established by the legislation of the Republic of Kazakhstan.

Article 43. Main rights and obligations of immigrants arrived for the purpose of carrying out of labour activity

1. Immigrants arrived for the purpose of carrying out of labour activity shall:

- 1) incur obligations provided by the Laws of the Republic of Kazakhstan in respect of immigrants arriving to the territory of the Republic of Kazakhstan;
- 2) be obliged to leave the Republic of Kazakhstan upon completion of the term of permits, if there are no legal grounds for the further stay.

2. Foreign employee arrived to the Republic of Kazakhstan except for seasonal employee shall have the right to:

- 1) that received employment authorization after completion of the term of authorization - to file application for extension of its term;
- 2) that engaged by employer for carrying out of labour activity, after completion of the term of permit - to file application on receipt of employment authorization.

Article 43-1. Conditions for entry and stay of labour immigrants

Labour immigrants shall conform, to the following requirements:

- 1) be the citizens of countries with which the Republic of Kazakhstan concluded agreements on free-visa procedure for entry and stay providing possibility of stay in the Republic of Kazakhstan without visas for the term of no less than three months;
- 2) be adult;
- 3) represent confirmation of their paying capacity required for leave from the territory of the Republic of Kazakhstan upon expiry of the term of permit to labour immigrant;
- 4) represent confirmation of existence or absence of record of conviction;
- 5) represent medical certificate confirming the absence of diseases impeding the labour activity on elected specialty;
- 6) have medical insurance.

2. Permit for temporary residence to labour immigrants shall be issued and extended by internal affairs bodies in the manner established by the Government of the Republic of Kazakhstan for the term of validity to labour immigrant.

Maximal term of continuous temporary residence of labour immigrant in the Republic of Kazakhstan may not exceed twelve months.

Footnote. The Law is supplemented by Article 43-1 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 43-2. Procedure for issuing permit to labour immigrant

1. Permit to labor immigrant shall be issued for the term mentioned in application on issuance of permit and may constitute one, two or three months.

Maximal term of permit to labour immigrant may not exceed twelve months.

New permit to labour immigrant shall be issued no earlier than thirty calendar days after completion of the term of previous permit.

Permit to labour immigrant shall be issued upon representing the documents confirming

legality of its locating in the territory of the Republic of Kazakhstan, as well as payment of preliminary payment on individual income tax for the period mentioned in application on receipt of permit.

Upon issuing permits to labour immigrants, the registration, formation of dacto, photo reporting of labor immigrants.

2. Upon application of labor immigrant, permit to labor immigrant shall be extended repeatedly for the term mentioned in the application and may constitute one, two and three months.

Permit to labour immigrant shall be extended upon representing documents confirming performance of works (rendering of services) of employers - individuals in home economics for the previous period, as well as payment of preliminary payment on individual income tax for the period on which the permit to labour immigrant is extended.

3. Procedure for issuance, extension and revocation of permit to labour immigrant, as well as procedure for registration, formation and maintenance of dacto, photo reporting of labour immigrants shall be determined by the Ministry of Internal Affairs of the Republic of Kazakhstan.

4. Permit to labour immigrant is the ground for conclusion of labour agreement on performance of works (rendering of services) of employers - individuals in home economics.

5. Conclusion of labour agreements on performance of works (rendering of services) in home economics by one employer - individual with more than five labour immigrants simultaneously shall not be allowed.

6. Permit to labour immigrant shall grant the right to labour immigrant to perform the works (render services) in home economics of employer - individual in the territory of administrative-territorial entity in which it is issued.

Footnote. The Law is supplemented by Article 43-2 in accordance with the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 7. IMMIGRATION ON HUMANITARIAN AND POLITICAL MOTIVES

Article 44. Categories of immigrants arriving on humanitarian motives

Immigrants arriving on humanitarian motives shall include:

1) voluntary servants - immigrants arriving to the Republic of Kazakhstan for rendering of services in the scope of education, health care service and social assistance without compensation;

2) immigrants arriving to the Republic of Kazakhstan under the terms of international treaties ratified by the Republic of Kazakhstan for the purpose of rendering of beneficent, humanitarian assistance and provision of grants.

Article 45. Immigrants arriving on political motives

Immigrants arriving on political motives shall include:

1) refugees;

2) persons being provided by political asylum;

Article 46. Conditions for entry and issuance of entry visas to immigrants arriving on humanitarian motives

1. Entry visas to immigrants arriving to the Republic of Kazakhstan on humanitarian motives shall be issued for the term up to one year by foreign establishments of the Republic of Kazakhstan on the basis of application of representative of international organization accredited in the Republic of Kazakhstan, or foreign non-government social organization (fund) registered officially in the country of its residence in accordance with the legislation of this state.

2. Immigrants arriving on humanitarian motives shall not have the right to engage in activity not provided by the purposes of entry in the territory of the Republic of Kazakhstan.

Article 47. Conditions for entry and stay on political motives

1. Conditions for entry and stay of persons searching for asylum, relations on provision of asylum to foreign persons and stateless persons and assigning them a status of refugee, legal status of refugees in the territory of the Republic of Kazakhstan shall be regulated by the legislation of the Republic of Kazakhstan on refugees.

2. Procedure for provision of political asylum shall be determined by the President of the Republic of Kazakhstan.

Chapter 8. COMMON GROUNDS FOR REFUSAL TO IMMIGRANT IN ENTRY INTO REPUBLIC OF KAZAKHSTAN AND IN RECEIPT OF PERMIT FOR PERMANENT RESIDENCE IN THE REPUBLIC OF KAZAKHSTAN

Article 48. Grounds for refusal to immigrant in entry into Republic of Kazakhstan

Immigrant shall be prohibited to enter the Republic of Kazakhstan:

- 1) in behalf of national security protection, protection of public order and health of population;
- 2) if his (her) actions are directed to forcible change of constitutional order;
- 3) if he (she) acts against sovereignty and independence of the Republic of Kazakhstan, calls to violation of unity and integrity of its territory;
- 4) if he (she) spreads international and religious hostility;
- 5) if it is required for protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons;
- 6) if he (she) belongs to terroristic or extremist organizations, was convicted for terroristic or extremist activity or in case of recognition of specially dangerous recidivism in his (her) actions by court;
- 7) if he (she) didn't carry out recovery for commission of criminal or administrative infraction imposed on him (her) during the previous stay in the Republic of Kazakhstan;
- 8) if during the previous stay in the Republic of Kazakhstan he (she) didn't represent declaration on individual income tax in the case when representation of the declaration is provided by the legislation of the Republic of Kazakhstan;
- 9) if he (she) didn't represent confirmation on existence of funds required for stay and leave from the Republic of Kazakhstan in the manner determined by the Government of the Republic of Kazakhstan with the exception of ethnic Kazakhs, persons born or being previously in citizenship of the Republic of Kazakhstan or Kazakh Soviet Socialist Republic and their family members;
- 10) if he (she) informed false details or didn't represent required documents within the term established by the legislation of the Republic of Kazakhstan upon applying on entry;
- 11) in existence of diseases being contraindication for entry into Republic of Kazakhstan

Immigrants deported previously from the Republic of Kazakhstan shall be prohibited to enter Republic of Kazakhstan within five years from the date of delivery of decision on

deportation.

Application of receiving persons on invitation of immigrants to the Republic of Kazakhstan, if within a year before filing the application, the receiving persons were brought to responsibility for non-taking the measures on a well-timed registration of immigrants, drawing up of documents for the right of their stay in the Republic of Kazakhstan, movement through the territory of country and ensuring of leave from the Republic of Kazakhstan upon expiration of particular term of stay shall not be considered.

Footnote. Article 48 is in the wording of the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 49. Grounds for refusal in issuing or annulling permit for permanent residence in the Republic of Kazakhstan

Issuance of permit for permanent residence in the Republic of Kazakhstan shall be refused to immigrants or previously issued permit shall be annulled:

- 1) to those arrived illegally, as well as those persecuted for commission of crimes according to the legislation of countries the natives of which they are;
- 2) to those released from the places of deprivation of freedom, the permanent place of residence of which was beyond the boundaries of the Republic of Kazakhstan before conviction;
- 3) to those committed crimes against mankind;
- 4) to those that didn't represent confirmation of their paying capacity in the manner and amounts determined by the Government of the Republic of Kazakhstan with the exception of ethnic Kazakhs arrived to the regions determined by the Government of the Republic of Kazakhstan for resettlement of oralmans, former compatriots born or previously being in citizenship of the Kazakh Soviet Socialist Republic or Republic of Kazakhstan, as well as persons having the right for acquisition of citizenship of the Republic of Kazakhstan in the simplified manner on the basis of international treaties of the Republic of Kazakhstan and their family members;
- 5) to those violated the legislation on legal status of foreign persons in the Republic of Kazakhstan;
- 6) spreading international and religious hostility;
- 7) the actions of which are oriented to forcible change of the constitutional order;
- 8) to those acting against the sovereignty and independence of the Republic of Kazakhstan , calling to violation of unity and integrity of its territory;
- 9) to those having record of conviction for terroristic activity, grave or especially grave crime;
- 10) to those represented false documents or informed false details about themselves upon applying on permit for permanent residence in the Republic of Kazakhstan or that didn't represent required documents within the term established by the legislation of the Republic of Kazakhstan without reasonable excuse;
- 11) to those deported from the Republic of Kazakhstan within five years to the moment of issuance of permit for permanent residence in the Republic of Kazakhstan;
- 12) if it is required for protection of rights and legal interests of citizens of the Republic of Kazakhstan and other persons;
- 13) to those received permit for permanent residence and residing in the territory of the Republic of Kazakhstan no less than one hundred eighty three calendar days within any sequential twelve-month period from the date of issuance of permit for permanent residence;
- 13-1) in case of internal independent migration of oralman at own will expression beyond the boundaries of region determined for resettlement upon receipt of status of oralman, within the first five years of residence in the Republic of Kazakhstan;
- 14) to those married with citizens of the Republic of Kazakhstan that serves as the ground for receipt of residence permit, in the case if this marriage is recognized invalid by court decision entered into force;

15) to those having diseases being contraindication for entry into Republic of Kazakhstan

Refusal in issuance of residence permit or certificate of stateless person may be appealed in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 49 as amended by the Law of the Republic of Kazakhstan dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Chapter 9. INTERNAL MIGRANTS IN THE REPUBLIC OF KAZAKHSTAN

Article 50. Internal migrants resettled in an orderly manner and independently resettling internal migrants

Internal migrants in the Republic of Kazakhstan shall be divided in:

Note of RCLII!

Subparagraph 1) shall be enforced from 01.01.2015 (see Article 63).

1) resettling in an orderly manner (settlers) in accordance with the quota of resettlement of internal migrants or resettled in accordance with the Laws of the Republic of Kazakhstan;

2) resettling independently at own will expression.

Article 51. Main rights and obligations in internal migrants

1. Internal migrants shall have the right to:

1) freedom of movement in the territory of the Republic of Kazakhstan, free choice of the place of residence except for the cases preconditioned by the Law of the Republic of Kazakhstan ;

2) protection from compulsory movement from the place of residence or stay;

3) provision of assistance in employment.

Compulsory movement of individuals on the grounds not provided by the Law of the Republic of Kazakhstan shall not be allowed.

2. Internal migrants shall be obliged to register at the place of residence in the territory of the Republic of Kazakhstan in the manner determined by the Government of the Republic of Kazakhstan.

Note of RCLII!

Chapter 10 shall be enforced from 01.01.2015 (see Article 63).

Chapter 10. PROVISION OF ASSISTANCE TO INTERNAL MIGRANTS

Article 52. Establishment of quota of resettlement of internal migrants and receipt of status of settler

1. Quota of resettling internal migrants shall be established by the Government of the Republic of Kazakhstan upon recommendation of authorized body on the issues of migration of population.

2. Quota of resettling internal migrants shall determine the number of the families of citizens of the Republic of Kazakhstan resettled in an orderly manner and administrative-territorial entity with special adverse environmental conditions from which they

resettle to economically promising inhabited localities determined for acceptance of settlers.

Note of RCLII!

New wording of paragraph 3 is provided in accordance with the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced from 01.01.2015).

3. Inclusion of internal migrants to the quota of resettlement and assignment of status of settler shall be carried out on the basis of application filed by one of adult family members in territorial subdivisions if authorized body on the issues of migration of population , in the manner determined by the Government of the Republic of Kazakhstan.

Article 53. Social assistance to citizens of the Republic of Kazakhstan included to the quota of resettlement of internal migrants

Citizens of the Republic of Kazakhstan included to the quota of resettlement of internal migrants shall be paid by lump sum benefits, including expenses for travel to the permanent place of residence and carriage of property, and concessional credit loans shall be provided for construction, restoration and acquisition of dwelling place in the manner determined by the Government of the Republic of Kazakhstan.

Chapter 11. CONDITIONS AND PROCEDURE FOR ENTRY OF CITIZENS OF THE REPUBLIC OF KAZAKHSTAN BEYOND THE BOUNDARIES OF CONUTRY. PREVENTION OF ILLEGAL MIGRATION

Article 54. Categories of citizens of the Republic of Kazakhstan leaving beyond the boundaries of country

Citizens of the Republic of Kazakhstan leaving beyond the boundaries of country shall be divided into two categories:

- 1) citizens of the Republic of Kazakhstan leaving to other state for permanent residence;
- 2) citizens of the Republic of Kazakhstan leaving into other state for temporary residence.

Citizens of the Republic of Kazakhstan leaving to the other state for temporary residence are the personnel of foreign establishments of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan carrying out temporary labour activity in foreign states, military servants performing peacemaking, appointed in accordance with quotas on offices under international organizations assigned to the Republic of Kazakhstan, as well as persons being on study, under treatment, in guided tour and private journey, upon invitation of organizations and private persons, in official business trip in foreign countries.

Article 55. Conditions and procedure for leave of citizens of the Republic of Kazakhstan beyond the boundaries of country

1. Every one shall have the right to leave beyond the boundaries of the Republic of Kazakhstan. Citizens of the Republic of Kazakhstan shall have the right to unimpeded return to the Republic of Kazakhstan.

2. Leave for permanent place of residence from the Republic of Kazakhstan shall be carried out after drawing up of documents to leave by internal affairs bodies.

3. Application on leave beyond the boundaries of the Republic of Kazakhstan to permanent place of residence shall be filed to internal affairs bodies:

- 1) by capable citizens - in person;
- 2) in the name of children and citizens recognized incapable by court - by their legal representatives.

4. Internal affairs bodies shall verify the absence of the grounds for refusal in leave beyond the boundaries of the Republic of Kazakhstan to citizens that filed applications on leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence.

Requests of internal affairs bodies in respect of citizens that filed the applications on leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence shall be considered by interested state bodies within ten days term.

Decision on drawing up of documents on leave beyond the boundaries of the Republic of Kazakhstan for permanent place of residence shall be taken no later than monthly term from the date of representing all the documents by an applicant in the manner determined by the Government of the Republic of Kazakhstan.

5. Financing of expenses linked with leave of citizens of the Republic of Kazakhstan from the Republic of Kazakhstan for permanent place of residence to other states shall be carried out at the expense of own funds of leaving persons, as well as may be carried out from the other sources, unless this contradicts the legislation of the Republic of Kazakhstan.

6. Citizens of the Republic of Kazakhstan leaving from the Republic of Kazakhstan for permanent place of residence to the other states shall have the right to export beneficially owned property belonged to them and their family members at their expense in accordance with the legislation of the Republic of Kazakhstan.

7. Export of objects representing cultural, historical or another value for the state by citizens beyond the boundaries of the Republic of Kazakhstan shall be regulated in the manner established by the legislation of the Republic of Kazakhstan.

8. Rights of property of persons that left from the Republic of Kazakhstan for the permanent place of residence to other states, being in the territory of the Republic of Kazakhstan shall be determined by the legislation of the Republic of Kazakhstan.

Footnote. Article 55 as amended by the Law of the Republic of Kazakhstan dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 56. Grounds for refusal in provision of permit to citizen of the Republic of Kazakhstan for leave from the country for permanent place of residence

Citizen of the Republic of Kazakhstan shall temporary refuse in leave from the Republic of Kazakhstan for permanent place of residence in cases, if he (she):

1) have details constituting state and other secrets protected by the Law, and didn't notify the relevant authorized bodies on the fact of his (her) leave beyond the boundaries of the Republic of Kazakhstan – before termination of actions of these circumstances;

Note of RCLII!

Subparagraph 2) is provided to be in the wording of the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced from 01.01.2015).

2) is detained on suspicion in commission of crime or brought as accused person – until delivery of decision on case or entering of court verdict into force;

3) is convicted for commission of crime – until serving punishment or release from punishment;

4) evades from fulfillment of obligations imposed on him (her) by court – until termination of these circumstances;

5) performs compulsory military service – until completion of performing this service or before release from it in accordance with the Law of the Republic of Kazakhstan “On military service and status of military servants”;

6) informed false details about himself (herself) during drawing up of documents for leaving the Republic of Kazakhstan – until elimination of reasons served as the ground for refusal and representing of reliable details;

7) is defendant in civil proceeding – until entering of court decision into force.

Citizen of the Republic of Kazakhstan shall be refused in leaving for permanent place of

residence beyond the boundaries of the Republic of Kazakhstan in case of existence of his (her) debts for tax.

In all the cases of restricting the right to leave from the Republic of Kazakhstan for permanent place of residence, internal affairs bodies shall issue notification to citizen of the Republic of Kazakhstan in which, the ground and term of restriction and procedure for appeal of this decision are stated.

Footnote. Article 56 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012 No. 526-IV (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 57. Rights and obligations of citizen of the Republic of Kazakhstan stayed beyond the boundaries of the Republic of Kazakhstan

Citizens of the Republic of Kazakhstan stayed beyond the boundaries of the Republic of Kazakhstan shall have all the rights and freedoms, as well as incur all the obligations established by the Constitution, Laws and international treaties ratified by the Republic of Kazakhstan.

Republic of Kazakhstan shall guarantee protection and wardship to all its citizens beyond its boundaries.

Article 58. Prevention of illegal immigration and measures of legalizing immigrants with non-regulated legal status

1. Entry of immigrants into the territory of the Republic of Kazakhstan is possible on condition of their performance of requirements of the legislation of the Republic of Kazakhstan regulating procedure for entry, leave, stay and travel in transit, as well as international treaties ratified by the Republic of Kazakhstan.

2. Authorized state bodies shall carry out migration control, as well as accounting of foreign persons and stateless persons crossing illegally the State Border of the Republic of Kazakhstan, staying illegally in the territory of the Republic of Kazakhstan, as well as persons to which the entry into the territory of the Republic of Kazakhstan is prohibited in the manner determined by the Government of the Republic of Kazakhstan.

Chapter 12. RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF MIGRATION OF POPULATION. SETTLEMENT OF DISPUTES

Article 59. Responsibility for violation of the legislation of the Republic of Kazakhstan in the field of migration of population

Violation of the legislation of the Republic of Kazakhstan in the field of migration of population shall entail responsibility established by the Laws of the Republic of Kazakhstan.

Article 60. Deportation of illegal immigrants

1. Illegal immigrants shall be subject to deportation beyond the boundaries of the Republic of Kazakhstan to the state of their origin (country of citizenship of foreign person or permanent residence of stateless person) in accordance with the legislation of the Republic of Kazakhstan.

Decision on deportation shall be taken by court.

Detention of illegal immigrants and their maintenance in special institutions of internal affairs bodies shall be allowed for the term required for deportation beyond the boundaries of the territory of the Republic of Kazakhstan in the manner established by the Law of the Republic of Kazakhstan.

2. Illegal immigrants being subject to deportation, individuals or legal entities invited the illegal immigrant to the Republic of Kazakhstan shall incur expenses for deportation. In cases of absence or deficiency of funds of mentioned persons for covering expenses for deportation, the financing of the relevant measures shall be carried out at the expenses of budget funds.

In accordance with international treaties ratified by the Republic of Kazakhstan, the transport organization that carried the persons entered without the right of entry shall be liable for their leave from the territory of the Republic of Kazakhstan.

Article 61. Settlement of disputes

Decision and actions (omission) of authorized bodies and (or) their civil servants may be appealed in superior state bodies (to senior civil servant) and (or) in court in accordance with the Laws of the Republic of Kazakhstan.

Chapter 12. FINAL PROVISIONS

Article 62. Procedure for applying this Law

1. This Law shall be applied to relations in the field of migration of population arising after its enforcement.

2. Documents issued by authorized state bodies before enforcement of this Law shall preserve their validity.

Article 63. Order for enforcement of this Law

1. This Law enters into force upon expiry of ten calendar days after its first official publication, with the exception of subparagraph 3) of Article 8, subparagraph 1) of Article 50 and chapter 10 that enters into force from 1 January 2015.

2. The Law of the Republic of Kazakhstan dated 13 December 1997 "On migration of population" shall be deemed to have lost force (Bulletin of the Parliament of the Republic of Kazakhstan, 1997, No. 24, Article 341; 2001, No. 8, Article 50; No. 21-22, Article 285; No. 24, Article 338; 2002, No. 6, Article 76; 2004, No. 23, Article 142; 2007, No. 3, Article 23; No. 15, Article 106; No. 20, Article 152; 2008, No. 23, Article 114; 2009, No. 23, Article 117; 2010, No. 24, Article 149).

*The President
of the Republic of Kazakhstan*