



On the Legal Status of Foreigners

Non-official translation

The Law of the Republic of Kazakhstan dated 19 June, 1995 No. 2337

Unofficial translation

Footnote. The form of the act and the title are changed, the Preamble is excluded by the Law of the Republic of Kazakhstan dated 12.01.2007 No. 227.

Throughout the text:

the word “of the Decree”, “by the Decree”, “Decree” are replaced by the words “of the Law”, “by the Law”, “Law”; the words “foreign nationals”, “Foreign nationals”, “by Foreign nationals”, “by foreigner nationals”, “foreign nationals”, “foreign national”, “to foreign nationals”, “to Foreign nationals”, “to foreign national”, “to Foreign national” “Foreign national”, are replaced by the words “foreigners”, “Foreigners”, “by Foreigners”, “by foreigners”, “foreigners”, “foreigner”, “to foreigners”, “to Foreigners”, “to foreigner”, “to Foreigner”, “foreigner” by the Law of the Republic of Kazakhstan dated 12.01.2007 No. 227.

Section I. General Provisions

Article 1. Legislation on the legal status of foreigners in the Republic of Kazakhstan

Legislation of the Republic of Kazakhstan on the legal status of foreigners is based on the Constitution of the Republic of Kazakhstan and determines, in accordance with it, the basic rights and duties of foreigners, the procedures for their entry into the Republic of Kazakhstan, stay and movement within its territory and departure from the Republic of Kazakhstan.

Legislation on the legal status of foreigners in the Republic of Kazakhstan consists of this Law and other legislative acts of the Republic of Kazakhstan.

Legal status of foreigners in the Republic of Kazakhstan may also be determined by the international treaties of the Republic of Kazakhstan.

If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those that contained in this Law, the rules of the international treaty shall apply.

Footnote. Article 1, as amended by the Law of the Republic of Kazakhstan dated 12 January, 2007 No. 227.

Article 2. Foreigners and stateless persons in the Republic of Kazakhstan

Foreigners in the Republic of Kazakhstan are the persons that are not citizens of the Republic of Kazakhstan and have proof of citizenship of another state.

Persons that are not citizens of the Republic Kazakhstan, and do not have proof of citizenship of another state are recognized as stateless.

Article 3. Principles of the legal status of foreigners in the Republic of Kazakhstan

Foreigners in the Republic of Kazakhstan shall have all rights and freedoms, and also bear all the responsibilities, established by the Constitution, laws and international treaties of the Republic of Kazakhstan, except in cases provided by the laws and international treaties of the Republic of Kazakhstan.

Foreigners in the Republic of Kazakhstan shall be equal before the law, regardless of their origin, social and property status, race and ethnicity, gender, education, language, attitude to religion, type and nature of occupation.

Using of foreigners of their rights and freedoms shall not be detrimental to the interests of the Republic of Kazakhstan, the rights and legitimate interests of its citizens and others, and shall be inseparable from the performance of their duties, established by the legislation of the Republic of Kazakhstan.

Article 4. Foreigners permanently residing and temporarily staying in the Republic of Kazakhstan

Permanently residing foreigners in the Republic of Kazakhstan are the foreigners that received the permission and document on the right of permanent residence in the manner, determined by the Government of the Republic of Kazakhstan.

The obligatory condition for provision of a permanent residence permit in the Republic of Kazakhstan is to confirm by the person, applying for such permission, with the exception of ethnic Kazakhs, that arrived in the regions, identified by the Government for the resettlement of oralmans, the persons born earlier in or was a citizen of the Republic of Kazakhstan and the Kazakh Soviet Socialist Republic, and members of their families, their solvency in the manner and amount, determined by the Government of the Republic of Kazakhstan.

Foreigners residing in the Republic of Kazakhstan on other legal grounds, as well as recognized as victims because of committing in relations to them the acts that are recognized in accordance with the Criminal Code of the Republic of Kazakhstan as grave or especially grave crimes, are considered as temporary residents in the Republic of Kazakhstan. They are required to register in the prescribed manner and leave the Republic of Kazakhstan after a certain period of stay.

Footnote. Article 4 is in the wording of the Law of the Republic of Kazakhstan dated 12.01.2007 No. 227; 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 its first official publication).

Article 5. Granting of asylum

The Republic of Kazakhstan provides for the right of asylum to foreigners that are victims of human rights violations.

The question of political asylum is decided by the President of the Republic of Kazakhstan.

Footnote. Article 5, as amended by the Law of the Republic of Kazakhstan dated 12 January , 2007 No. 227.

Section II. Basic rights, freedoms and duties of foreigners in the Republic of Kazakhstan

Article 6. Labour activity and leisure

Foreigners may engage in labour activity in the Republic of Kazakhstan on the basis and in the manner prescribed by the legislation and international treaties of the Republic of Kazakhstan. In order to ensure the realization of the constitutional right of citizens of the Republic of Kazakhstan on the freedom of labour, the legislative acts may establish the limits on the implementation of labour activity of foreigners in the Republic of Kazakhstan.

Foreigners may not be appointed to certain positions or engage in certain kinds of labour activity, if in accordance with the legislation of the Republic of Kazakhstan appointment to these positions or engaging in such activity is associated with belonging to the citizenship of the Republic of Kazakhstan.

Foreigners permanently residing in the Republic of Kazakhstan have the same rights and bear the same obligations in labour relations as citizens of the Republic of Kazakhstan.

Foreigners temporarily staying in the Republic of Kazakhstan can be subjects of private entrepreneurship. Engaging in entrepreneurial activity as the subject of small and medium entrepreneurship without forming a legal entity is not allowed.

Foreigners, residing in the Republic of Kazakhstan shall have the right to leisure on the same basis as citizens of the Republic of Kazakhstan.

Footnote. Article 6, as amended by the Laws of the Republic of Kazakhstan dated 16 March, 2001 No. 164; dated 12 January, 2007 No. 227.

Article 7. Health protection

Foreigners and stateless persons, staying in the territory of the Republic of Kazakhstan, shall enjoy the rights and freedoms, as well as bear responsibilities, established for the citizens in the field of health, unless otherwise provided by the laws of the Republic of Kazakhstan and the international treaties.

Foreigners temporarily staying in the Republic of Kazakhstan are provided medical assistance in the manner prescribed by the health authority of the Republic of Kazakhstan.

Footnote. Article 7, as amended by the Law of the Republic of Kazakhstan dated 16.07.2009 No. 186-IV.

Article 8. Social security and pensions

Foreigners permanently residing in the Republic of Kazakhstan, in matters of social security and pensions, have the same rights and bear the same obligations as citizens of the Republic of Kazakhstan.

In cases where for pension payments and benefits a certain length of service is required, foreigners can count their work experience abroad on the grounds and in the manner, prescribed by the law and international treaties of the Republic of Kazakhstan.

Footnote. Article 8 as amended - by the Law of the Republic of Kazakhstan dated 19 June, 1997 No. 134.

Article 9. The right to housing, other property and personal non-property rights

Foreigners permanently residing in the Republic of Kazakhstan have the same rights and bear the same obligations in housing relations as citizens of the Republic of Kazakhstan.

Foreigners may have dwelling (except temporarily staying foreigners) and other property on the right of ownership in the Republic of Kazakhstan, and may have rights of the author to have works of science, literature and art, discoveries, inventions, technological innovation and industrial design, as well as other property and personal non-property rights, except for the cases stipulated by legislative acts of the Republic of Kazakhstan.

Foreigners permanently residing in the Republic of Kazakhstan, use their property and

moral rights as citizens of the Republic of Kazakhstan.

Foreigners temporarily staying in the Republic of Kazakhstan have the right to use the property and personal non-property rights on the grounds and in the manner prescribed by the legislation and international treaties of the Republic of Kazakhstan.

Footnote. Article 9, as amended – by the Law of the Republic of Kazakhstan dated 1 March, 2001 No. 160.

Article 10. Getting an education

Foreigners and stateless persons, permanently residing in the Republic of Kazakhstan, shall have the equally with the citizens of the Republic of Kazakhstan right to get preschool, primary, basic secondary and general secondary education in accordance with the legislation of the Republic of Kazakhstan in the field of education.

Stateless persons, permanently residing in the Republic of Kazakhstan shall be entitled to get free technical and vocational, secondary, higher and postgraduate education on a competitive basis in accordance with the state educational order, if the education of each of these levels, they get the first time.

The right of foreigners to get free technical and vocational, secondary, higher and postgraduate education on a competitive basis in accordance with the state educational order is defined by the international treaties of the Republic of Kazakhstan.

Foreigners, adopted to educational institutions have the rights and bear the obligations of students and pupils in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 10 as amended – by the Law of the Republic of Kazakhstan dated 16 March , 2001 No. 164; Article is in the wording of the Law of the Republic of Kazakhstan dated 27 July, 2007 No. 320 (the order of enforcement see Article 2).

Article 11. Use of cultural achievements

Foreigners shall have the right to use cultural achievements in the Republic of Kazakhstan as citizens of Kazakhstan. They shall protect the historical and cultural monuments, and other cultural values.

Article 12. Participation in public associations

Foreigners, permanently residing in the Republic of Kazakhstan have the right to join public associations, except for political parties and public associations that pursue political goals, and if it does not contradict the statute (regulations) of these associations.

Article 13. Freedom of conscience

Foreigners, staying in the Republic of Kazakhstan, are guaranteed the freedom of conscience as citizens of Kazakhstan.

Incitement of hostility and hatred in connection with religious beliefs is prohibited.

Article 14. Marital and family relations

Foreigners in the Republic of Kazakhstan may conclude and discharge marriages with citizens of the Republic of Kazakhstan and other persons, and have the rights and bear responsibilities in marital and family relations as citizens of the Republic of Kazakhstan in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Article 15. Inviolability of dwelling, honour and dignity

Foreigners shall be guaranteed inviolability of dwelling, honour and dignity in the Republic of Kazakhstan.

Article 16. Movement on the territory of the Republic of Kazakhstan and choice of a place of residence

Foreigners may freely move on the territory of the Republic of Kazakhstan open to foreigners, and choose a place of residence in accordance with the manner, established by the legislation of the Republic of Kazakhstan. Restrictions on movement and choice of residence are established by acts of the authorized state bodies of the Republic of Kazakhstan, when it is necessary to ensure national security, public order, health or morals, or the protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan and others.

Article 17. Taxes and fees

Foreigners are subject to taxes and fees in the Republic of Kazakhstan on the same basis as citizens of the Republic of Kazakhstan, unless otherwise provided by the legislation and international treaties of the Republic of Kazakhstan.

Article 18. Protecting the rights of foreigners

Foreigners in the Republic of Kazakhstan have the right to appeal to the courts and other state bodies to protect their property and personal non-property rights.

Foreigners use procedural rights in court as citizens of the Republic of Kazakhstan, except in cases provided for in the international treaties of the Republic of Kazakhstan.

Article 19. Restrictions in electoral right

Foreigners in the Republic of Kazakhstan may not vote or be elected to the representative and other elective state bodies and positions, as well as take part in republican referendum.

Article 20. Military service obligation

Military obligation shall not apply to foreigners, permanently residing in the territory of the Republic of Kazakhstan.

Footnote. Article 20 is in the wording of the Law of the Republic of Kazakhstan dated 12 January, 2007 No. 227.

Section III. Entry into the Republic of Kazakhstan and departure of foreigners from the Republic of Kazakhstan

Article 21. Establishing the rules of entry into the Republic of Kazakhstan, departure of the Republic of Kazakhstan, transit through the territory of the Republic of Kazakhstan

Rules of entry of foreigners into the Republic of Kazakhstan, their departure from the Republic of Kazakhstan and the transit through the territory of the Republic of Kazakhstan are established by this Law and other legislative acts of the Republic of Kazakhstan.

Article 22. Enter into the Republic of Kazakhstan

Foreigners may enter the Republic of Kazakhstan on valid foreign passports or equivalent documents in the presence of entry visas of the Republic of Kazakhstan, unless otherwise specified in the agreement of the Republic of Kazakhstan and the concerned party or the Government of the Republic of Kazakhstan.

Foreigner is prohibited to entry into the Republic of Kazakhstan:

- 1) in the interests of national security, public safety and public health;
- 2) if his (her) actions are aimed at forced changing the constitutional order;
- 3) if he (she) acts against the sovereignty and independence of the Republic of Kazakhstan, calls for violation of the unity and integrity of its territory;
- 4) if he (she) incites ethnic and religious hatred;
- 5) if it is necessary to protect the rights and legitimate interests of citizens of the Republic of Kazakhstan and other persons;
- 6) if he (she) belongs to a terrorist or extremist organizations, convicted for terrorist or extremist activity or if a court recognized his (her) actions as especially dangerous relapse;
- 7) if he (she) did not perform the penalty for a criminal or administrative offence, imposed on him (her) during a previous stay in the Republic of Kazakhstan;
- 8) if during a previous stay in the Republic of Kazakhstan he (she) did not submit the declaration of individual income tax in the case, where the provision of such declarations is provided by the legislation of the Republic of Kazakhstan;
- 9) if he (she) did not provide a confirmation of the availability of funds, needed to stay in and departure from the Republic of Kazakhstan, in the manner determined by the Government of the Republic of Kazakhstan, except for ethnic Kazakhs, those born or was earlier a citizen of the Republic of Kazakhstan and the Kazakh Soviet Socialist Republic, and their families;
- 10) if in the application for entry, he (she) reported false information or did not submit the required documents within the period, prescribed by the legislation of the Republic of Kazakhstan;
- 11) if he (she) has a disease that is a contraindication to enter the Republic of Kazakhstan.

Foreigners, previously expelled from the Republic of Kazakhstan, are prohibited to enter the Republic of Kazakhstan during five years from the date of the decision on expulsion.

Applications of receiving persons about the invitation of foreigners to the Republic of Kazakhstan shall not be considered, if within one year prior to the filing of such application the receiving persons were prosecuted for failure to timely registration of immigrants, registration of documents for their stay in the Republic of Kazakhstan, movement within the country and for departure from the Republic of Kazakhstan after a certain period of stay.

At the entrance to the Republic of Kazakhstan foreigners are issued the migration cards in the manner, prescribed by the Government of the Republic of Kazakhstan.

The entry visa or other corresponding documents are issued by diplomatic representatives and consular offices of the Republic of Kazakhstan or in some cases by the specifically authorized representatives of the Republic of Kazakhstan.

Grounds for issuing visas shall be the invitations of receiving persons or the permission of the authorized state bodies of the Republic of Kazakhstan, unless otherwise stipulated by the international treaties of the Republic of Kazakhstan.

Footnote. Article 22 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 its first official publication).

Article 23. Departure from the Republic of Kazakhstan

Foreigners depart from the Republic of Kazakhstan on valid foreign passports or equivalent documents in the presence of exit visas, issued by authorized state bodies of the Republic of Kazakhstan, unless otherwise specified in the agreement with the corresponding country or the Government of the Republic of Kazakhstan.

Departure of foreigners from the Republic of Kazakhstan are not permitted:

- a) if there are grounds for bringing him (her) to justice - until the end of the proceedings;
- b) if he (she) is convicted of a crime - until completion of sentence or relief from punishment;
- c) if he (she) evades the obligations, imposed on him (her) by the court - until the fulfillment of obligations;
- g) is excluded by the Law of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2).

Departure of foreigner from the Republic of Kazakhstan may be delayed until his (her) execution of property obligations, that are associated with the substantial interests of citizens of the Republic of Kazakhstan, and other individuals and legal entities.

Footnote. Article 23, as amended by the Laws of the Republic of Kazakhstan dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 10.12.2013 No. 153-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 24. Transit

Foreigners, passing through the territory of the Republic of Kazakhstan in transit, shall follow in compliance with the rules of transit to the border point of exit from the Republic of Kazakhstan on a specified route and may have stops in the territory of the Republic of Kazakhstan only at the points, specified in Kazakh transit visas, at the presence of a permission, issued by the authorized state bodies of the Republic of Kazakhstan.

Section IV. Responsibility of foreigners. Reducing the period of stay. Expulsion

Article 25. Grounds of responsibility for offences

Foreigners, that committed crimes, administrative or other offences in the territory of the Republic of Kazakhstan, shall be responsible on the same basis as citizens of the Republic of Kazakhstan, except in cases stipulated by the international treaties of the Republic of Kazakhstan.

Article 26. Responsibility for violation of the rules of stay in the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan

Foreigners that violate the rules of their stay in the Republic of Kazakhstan, that is living without documents on the right of residence or living with invalid documents, and not respecting the established order of registration or movement and choice of residence, refuse to leave after a certain period of stay, as well as not complying with the rules of transit through the territory of the Republic of Kazakhstan, shall be administratively responsible in accordance with the laws of the Republic of Kazakhstan.

Willful violation by foreigners of the rules of stay in the Republic of Kazakhstan and the transit through the territory of the Republic of Kazakhstan entails the criminally responsibility under the laws of the Republic of Kazakhstan.

Footnote. Article 26, as amended by the Law of the Republic of Kazakhstan dated 12 January, 2007 No. 227.

Article 27. Reducing the period of stay in the Republic of Kazakhstan

For a foreigner that violates the legislation on the legal status of foreigners may be reduced the period of stay in the Republic of Kazakhstan. Period of stay of a foreigner in the Republic of Kazakhstan may also be reduced in cases where the grounds for his (her) further stay have fallen.

Footnote. Article 27, as amended by the Law of the Republic of Kazakhstan dated 12 January, 2007 No. 227.

Article 28. Expulsion from the Republic of Kazakhstan

A foreigner may be expelled from the Republic of Kazakhstan:

- a) if his (her) actions are contrary to the interests of national security or public order;
- b) if it is necessary for the protection of health or morals, protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan and other persons;
- c) if he (she) violated the legislation of the Republic of Kazakhstan;
- g) in the case of annulment of marriage in the manner prescribed by legislative acts, if the marriage with a citizen of the Republic of Kazakhstan was the basis for remaining him (her) for a permanent residence in the Republic of Kazakhstan.

The decision on expulsion shall be taken by the authorized state bodies of the Republic of Kazakhstan or the court. A foreigner is obliged to leave the Republic of Kazakhstan in the period specified in that decision. Execution of a court decision on expulsion from the Republic of Kazakhstan in such case shall be made ?? by the controlled self-dependent departure of a person from the Republic of Kazakhstan. If the person against whom the decision on expulsion is made, does not to leave the territory of the Republic of Kazakhstan in the period specified in the decision, he (she) shall be subject to a detention and forcible deportation under a prosecutor's sanction. Detention is allowed for the period required for expulsion. He (she) is retained in special institutions of the Internal affairs in the manner determined by the Government of the Republic of Kazakhstan.

The internal affairs bodies, executing the court's decision on a forcible expulsion shall produce at checkpoints across the state border of the Republic of Kazakhstan the transmission of a deportee foreigner or a stateless person to the Border Service of the National Security of the Republic of Kazakhstan for the official transfer of the foreigner or stateless person to the representative of the foreign state, to the territory of which the person is expelled.

Footnote. Article 28, as amended by the Laws of the Republic of Kazakhstan dated

16.03.2001 No. 164; dated 10.11.2001 No. 255; dated 12.01.2007 No. 227; dated 07.12.2009 No. 222-IV (the order of enforcement see Art. 2); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 16.01.2013 No. 71 -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).

Section V. Final provisions

Article 29. Application of this Law in respect of stateless persons

Provisions of this Law shall apply to stateless persons, unless otherwise stipulated by the legislative acts of the Republic of Kazakhstan.

Article 30. Limitation of the scope of this Law

Provisions of this Law shall not affect to the privileges and immunities of heads and employees of foreign diplomatic and consular representatives, established by the legislation of the Republic of Kazakhstan and the international treaties of the Republic of Kazakhstan.

Article 31. The order of entry into force of this Law

This Law shall enter into force from the date of publication.

The President
of the Republic of Kazakhstan