

Decree
of the President of Kazakhstan
on Legal Status of Foreign Citizens in the Republic of Kazakhstan*

The present Decree is issued according to Article 1 of the Law of the Republic of Kazakhstan "About Temporary Delegation of Additional Authority to President of the Republic of Kazakhstan and Local Administrations Heads", dated December 10, 1993, and to regulate legal status of foreign citizens in the Republic of Kazakhstan.

Section I. General Provisions

Article 1. Legislation Concerning Legal Status of Foreign Citizens in the Republic of Kazakhstan

The legislation of the Republic of Kazakhstan concerning legal status of foreign citizens is based on the Constitution of the Republic of Kazakhstan and determines basic rights and responsibilities of foreign citizens, entrance procedures, residence, travel within the country and departure from the Republic of Kazakhstan.

The legislation concerning legal status of foreign citizens in the Republic of Kazakhstan is presented by the actual Decree and other legislative acts of the Republic of Kazakhstan.

Legal status of foreign citizens in the Republic of Kazakhstan may also be the subject of international treaties of the Republic of Kazakhstan.

If rules, which were established in any of international treaties of the Republic of Kazakhstan, differ from these described in the present Decree, the international treaty rules will prevail.

Article 2. Foreign Citizens and Stateless Persons in the Republic of Kazakhstan

A person is considered to be a foreign citizen in the Republic of Kazakhstan, if he is not a citizen of Kazakhstan and has evidences that confirm his citizenship in another state.

If a person is not a citizen of Kazakhstan and has no evidence which confirm his citizenship in another state - he is recognized as a stateless person.

Article 3. Principles of Legal Status of Foreign Citizens in the Republic of Kazakhstan

Foreign citizens in the Republic of Kazakhstan have all rights and freedoms, and bear all responsibilities established by the Constitution, laws and international treaties of the Republic of Kazakhstan, except for cases stipulated by laws and international treaties of the Republic of Kazakhstan. Foreign citizens in the Republic of Kazakhstan are equal in face of law whatever

* Source : www.legislationline.org

origin, social and property status, racial and national background, gender, education, language, attitude to the religion or kind of occupation they had.

Foreign citizens must not use their rights and freedoms in prejudice of interests of the Republic of Kazakhstan, rights and legitimate interests of its citizens and other individuals but must implement their duties established by the legislation of the Republic of Kazakhstan.

Article 4. Foreign Citizens Permanently Residing and Temporarily Staying in the Republic of Kazakhstan

Foreign citizens are considered permanently residing in the Republic of Kazakhstan if they receive authorization and residence permission issued by the internal affairs institutions.

Foreign citizens stationed in the Republic of Kazakhstan on other legitimate ground are considered temporarily staying in the Republic of Kazakhstan. They are obliged to register according to the established procedures and leave the Republic of Kazakhstan once their period of residing expires.

Article 5. Asylum Grant

The Republic of Kazakhstan grants asylum to foreign citizens and stateless persons which became victims of human rights violation.

The matter of granting a political asylum is decided by the President of the Republic of Kazakhstan.

Section II. Basic rights, freedoms and obligations of the foreign citizens in the Republic of Kazakhstan

Article 6. Labor and Leisure

Foreign citizens may start labor activity in the Republic of Kazakhstan on the basis and in accordance with the procedures established by the legislation and international treaties of the Republic of Kazakhstan. Foreign citizens cannot be appointed to certain positions or to start a certain type of activity if this requires the citizenship of the Republic of Kazakhstan.

Foreign citizens have the same rights in labor activity and bear the same responsibilities as citizens of the Republic of Kazakhstan.

Foreign citizens residing in the Republic of Kazakhstan have the same leisure rights as citizens of the Republic of Kazakhstan.

Article 7. Health Care

In health care system foreign residents residing in the Republic of Kazakhstan have the same rights and bear the same responsibilities as residents of the Republic of Kazakhstan. Foreign residents temporarily staying in the Republic of Kazakhstan are provided with health care according to the procedures established by health care body of the Republic of Kazakhstan.

Article 8. Social and Pension Security

Foreign residents permanently residing in the Republic of Kazakhstan have the same rights and bear the same responsibilities as residents of the Republic of Kazakhstan in respect of social and pension security. In cases when a certain period of working experience influences the level of pension payments and benefits, the period worked in Kazakhstan may be prolonged by that worked abroad on the basis and according to the procedure established by the legislation and international treaties of the Republic of Kazakhstan.

Article 9. Right to Housing, Other Property and Personal Non-property Rights

Foreign citizens permanently residing in the Republic of Kazakhstan have the same rights and bear the responsibilities as citizens of the Republic of Kazakhstan in terms of housing.

Foreign citizens can own real estate in the Republic Kazakhstan (except for temporary foreign citizens), copyrights, any kind of intellectual property and other types of property.

Foreign citizens permanently residing in the Republic of Kazakhstan may equally use their property and personal non-property rights as citizens of the Republic of Kazakhstan.

Temporary foreign citizens in the Republic of Kazakhstan have the right to use property and personal non-property rights on the basis and following the order established by the legislation and the international treaties of the Republic of Kazakhstan.

Article 10. Education

Foreign citizens permanently residing in the Republic of Kazakhstan have the right to receive education equal to citizens of the Republic of Kazakhstan following the order established by the legislation of the Republic of Kazakhstan. Foreign citizens temporarily stationed in the Republic of Kazakhstan can receive education in the Republic of Kazakhstan following the order stipulated by international treaties of the Republic of Kazakhstan, as well as contracts and agreements signed with educational institutions. Foreign citizens accepted in educational institutions have rights and bear responsibilities of pupils and students in accordance with the legislation of the Republic of Kazakhstan.

Article 11. Cultural Achievements Use

Foreign citizens in the Republic of Kazakhstan have the equal right to use cultural achievements as citizens of the Republic of Kazakhstan. They are obliged to carefully treat historical and cultural monuments and other cultural values.

Article 12. Participation in Public Associations

Foreign citizens 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 charters of these associations.

Article 13. Freedom of Conscience

Foreign citizens stationed in the Republic of Kazakhstan are guaranteed to enjoy freedom of conscience equally to citizens of the Republic of Kazakhstan.

Initiation of hostility and hatred related to religious beliefs is forbidden.

Article 14. Marital and Family Relations

Foreign citizens in the Republic of Kazakhstan can marry and divorce with citizens of the Republic of Kazakhstan and other persons, use the rights and bear responsibilities in marital and family relations equally to citizens of the Republic of Kazakhstan in accordance with the legislation and international treaties of the Republic of Kazakhstan.

Article 15. Inviolability of Real Estate, Honor and Respect of Individual

Foreign citizens in the Republic of Kazakhstan are guaranteed inviolability of their real estate and honor.

Article 16. Travel within the Republic of Kazakhstan and Choice of Residence

Foreign citizens may freely travel within the territory of the Republic of Kazakhstan open for visiting by foreign citizens, and select a residence in accordance with the procedure established by the legislation the Republic of Kazakhstan. Limits in travel and choice of residence are established by acts of authorized government bodies of the Republic of Kazakhstan in cases when it is required to ensure state and public security, ensure health care and morals of people, protect the rights and legitimate interests of citizens of the Republic of Kazakhstan and other individuals.

Article 17. Taxes and Dues

Foreign citizens are subject to taxes and dues in the Republic of Kazakhstan on the common basis with citizens of the Republic of Kazakhstan, unless other stipulated by the legislation and international treaty of the Republic of Kazakhstan.

Article 18. Protection of Rights of Foreign Citizens

Foreign citizens in the Republic of Kazakhstan have the right to file with the court and other government agencies for protection of their property and personal non-property rights.

In court matters foreign citizens have legal rights equal to residents of the Republic of Kazakhstan, except for cases stipulated by the international treaties of the Republic of Kazakhstan.

Article 19. Restriction in Suffrage

Foreign citizens in Republic Kazakhstan cannot elect and be elected in representative and other elective government bodies and positions, as well as participate in republican referendums.

Article 20. Relation to General Military Service

General military service obligation does not apply to foreign citizens and stateless persons permanently residing in the Republic of Kazakhstan.

Section III. Entrance and Departure Procedures of Foreign Residents

Article 21. Regulations for Entrance, Departure and transit travel through the territory of the Republic of Kazakhstan

The regulations for entry of foreign citizens to the Republic of Kazakhstan, their departure from the Republic of Kazakhstan and transit travel through the territory of the Republic of Kazakhstan are established by the present Decree and other legislative acts of the Republic of Kazakhstan.

Article 22. Entry to the Republic of Kazakhstan

Foreign citizens can enter the Republic of Kazakhstan both under presentation of valid foreign passports or submitting other documents if they have Kazakhstani entry visas, unless other procedure is established by an agreement of the Republic of Kazakhstan with the appropriate party. A foreign citizen may not be allowed to enter Kazakhstan in following cases:

- a) if this has to do with state, public or health of people security provision;
- b) if a foreign citizen acts against the independence of the Republic of Kazakhstan, creates infringement of unity and integrity of territory of the Republic of Kazakhstan;
- c) if a foreign citizen creates international and religious hostility;
- d) if it is necessary for protection of rights and legitimate interests of residents of the Republic of Kazakhstan and other individuals;
- e) if a foreign citizen is convicted for terrorist activity or is declared especially dangerous recidivist by court;
- f) if a foreign citizen has been earlier evicted from the Republic of Kazakhstan;
- g) if during his/her previous stay in the Republic of Kazakhstan facts of his/her infringement of the legislation on legal status of foreign citizens in the Republic of Kazakhstan, as well as customs, currency or other legislation of the Republic of Kazakhstan have been identified;
- h) if initiating an entry visa application he/she provided false information or failed to provide necessary documents.

Entry visas or other appropriate documents are issued by diplomatic or consular missions of the Republic of Kazakhstan or, on certain occasions, by specially authorized representatives of the Republic of Kazakhstan.

The basis for visa issue are invitations of the hosting parties and sanctions of authorized bodies of the Republic of Kazakhstan, unless stipulated otherwise by international treaties of the Republic of Kazakhstan.

Article 23. Departure from the Republic of Kazakhstan

Foreign citizens leave the Republic of Kazakhstan under valid foreign passports or substituting documents, they have exit visas issued by authorized government agencies of the Republic of

Kazakhstan unless established otherwise by an agreement with appropriate country. A foreign citizen is denied to leave the Republic of Kazakhstan:

- a) if there grounds for holding him/her responsible for criminal acts - until the case is complete;
- b) if he/she is convicted for committing a crime - until the sentence is served or an individual is discharged;
- c) if he/she is evading fulfillment of obligations charged by the court - until the obligations are fulfilled;
- d) on other grounds established by the legislation of the Republic of Kazakhstan. Exit of a foreign citizen from the Republic of Kazakhstan can be deferred until fulfillment of his/her property obligations which are related to significant interests of citizens of the Republic of Kazakhstan, other individuals and legal entities.

Article 24. Transit Travel

Foreign citizens transit traveling through the territory of the Republic of Kazakhstan proceed complying with the transit travel regulations to a border point of exit from the Republic of Kazakhstan along the established route and can stop in the Republic of Kazakhstan only in locations specified in Kazakhstani transit visas provided they have a permit issued by authorized government agencies of the Republic of Kazakhstan.

Section IV. Responsibility of Foreign Citizens. Shortening of Period of Stay. Eviction

Article 25. Basis of Responsibility for Offense

Foreign citizens who committed crimes, administrative or other offense within the Republic of Kazakhstan are subject to responsibility on the common basis with citizens of the Republic of Kazakhstan, except for cases established by international treaties of the Republic of Kazakhstan.

Article 26. Responsibility for Infringement of Regulations of Stay in the Republic of Kazakhstan and Transit Travel through the Territory of the Republic of Kazakhstan

Foreign citizens who violated regulations of stay in the Republic of Kazakhstan, i.e. residing without a residence permit or residing under invalid documents, failing to comply with the established procedure for registration or travel and choosing a residence, evading departure after their defined period of stay expires, as well as failing to comply with transit travel regulations are subject to administrative responsibility according to the legislation of the Republic of Kazakhstan.

Malicious infringement by foreign citizens of regulations of stay in the Republic of Kazakhstan and transit travel through the territory of the Republic of Kazakhstan results in criminal liability stipulated by the legislation of the Republic of Kazakhstan.

Article 27. Reduction of Period of Stay in the Republic of Kazakhstan

A defined period of stay for a foreign citizen who infringes the Legal Status of Foreign Residents in the Republic of Kazakhstan Legislation can be shortened. The period of stay of a foreign citizen in the Republic of Kazakhstan can also be shortened in cases, when there are no basis for his/her further stay.

Article 28. Deportation from the Republic of Kazakhstan

Foreign citizens can be deported from the Republic of Kazakhstan:

- a) if his/her actions are contrary to the interests of ensuring state security or protection of public order;
- b) if it is necessary for protection of health and morale of people, protection of rights and legitimate interests of citizens of the Republic of Kazakhstan and other individuals;
- c) if he/she infringed the Legal Status of Foreign Citizens in the Republic of Kazakhstan Legislation, customs, currency or other legislation of the Republic of Kazakhstan.

The decision of deportation is taken by the authorized government agencies of the Republic of Kazakhstan. Foreign citizen is obliged to leave the Republic of Kazakhstan within the period specified by this decision. Individuals evading deportation in such cases are subject provided there is a sanction of a public prosecutor to detention and forced deportation. The detention is allowed thus for the time required for deportation.

Section V. Final Provisions

Article 29. Stateless Persons aspect of the Decree

The provisions of this Decree are valid for the stateless persons unless established otherwise by the legislative acts of the Republic of Kazakhstan.

Article 30. Limitation of force of the Present Decree

The provisions of this Decree do not influence privileges and immunities of chief and staff of foreign diplomatic and consular missions as established by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan.

Article 31. The Effect of the Decree

This Decree comes into force from the date of publication.

The President of the Republic of Kazakhstan