



On citizenship of the Republic of Kazakhstan

Non-official translation

The Law of the Republic of Kazakhstan dated 20 December, 1991

Unofficial translation

Citizenship of the Republic of Kazakhstan defines a sustainable political and legal relationship of a person with the state, expressing the totality of their mutual rights and obligations.

In the Republic of Kazakhstan, everyone has the right to a citizenship. Citizenship in the Republic of Kazakhstan is acquired and terminated in accordance with this Law.

A citizen of the Republic of Kazakhstan under no circumstances shall be deprived of citizenship, the right to change his citizenship, and cannot be expelled from Kazakhstan.

Footnote. The Preamble, as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477.

CHAPTER 1

General Provisions

Article 1. Citizen and the State

The Republic of Kazakhstan, represented by their state bodies and officials shall be responsible to the citizens of the republic, and a citizen of the Republic of Kazakhstan shall be responsible to the Republic of Kazakhstan. He is obliged to observe the Constitution and laws of the Republic of Kazakhstan, to protect the interests of the Republic of Kazakhstan and its territorial integrity, respect the customs, traditions, state language and languages of all nationalities, living on its territory, and to enhance the power, sovereignty and independence of the Republic of Kazakhstan.

Footnote. Article 1, as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 2. The legislation of the Republic of Kazakhstan on citizenship

1. The legislation of the Republic of Kazakhstan on citizenship is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 29.04.2009 No. 154-IV (the order of enforcement see Article 2).

Article 3. Belonging to the citizenship of the Republic of Kazakhstan

Citizens of the Republic of Kazakhstan are persons who:
permanently reside in the Republic of Kazakhstan on the date of entry into force of this Law;
born on the territory of the Republic of Kazakhstan and are not citizens of a foreign country;
acquired the citizenship of the Republic of Kazakhstan in accordance with this Law.
A citizen of the Republic of Kazakhstan is not recognized as a citizen of another country

The Republic of Kazakhstan creates the conditions for the return to its territory of the persons that were forced to leave the territory of the republic in the period of mass repression, forced collectivization, as a result of other inhumane political actions, and their descendants, as well as Kazakhs, living in other countries.

Footnote. Article 3 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 3 October, 1995 No. 2477; by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 4. Certificate of citizenship

A certificate, evidencing the citizenship of the Republic of Kazakhstan, is the identity card or passport of the Republic of Kazakhstan. Citizenship of a child under the age of 16 years is confirmed by his (her) birth certificate, and by passport of either parent.

Footnote. Article 4 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 3 October, 1995 No. 2477; by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 5. Legal Status of citizens of the Republic of Kazakhstan

Citizenship of the Republic of Kazakhstan is uniform and equal regardless of the grounds for its acquisition.

Citizens of the Republic of Kazakhstan are equal before the law, regardless of their origin, social and property status, race and ethnicity, sex, education, language, religion, political or other opinion, type of occupation, place of residence or any other circumstances.

Citizens of the Republic of Kazakhstan shall hold full civil, political, economic and social rights and freedoms, proclaimed and guaranteed by the Constitution and laws of the Republic of Kazakhstan.

Footnote. Article 5 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477.

Article 6. Legal status of foreigners and stateless persons

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

Footnote. Article 6 - is in the wording of the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 7. Retention of citizenship of the Republic of Kazakhstan

Residence of a citizen of the Republic of Kazakhstan outside the country shall not entail the termination of the citizenship of the Republic of Kazakhstan.

Marriage of a citizen of the Republic of Kazakhstan with the person, who is not a citizen of the republic, as well as the dissolution of such marriage, shall not entail the change of citizenship.

Article 8. Inadmissibility of extradition of a citizen of the Republic of Kazakhstan to another state

Citizen of the Republic of Kazakhstan may not be extradited to a foreign state, unless otherwise stipulated by the international treaties of the Republic.

Footnote. Article 8 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 3 October, 1995 No. 2477.

Article 9. Protection of citizens, living outside the Republic of Kazakhstan

The Republic of Kazakhstan guarantees its citizens the protection and patronage abroad.

Footnote. Article 9 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 3 October, 1995 No. 2477.

CHAPTER 2

Acquisition of citizenship of the Republic of Kazakhstan

Article 10. Grounds for the acquisition of citizenship

Citizenship of the Republic of Kazakhstan shall be acquired:

- 1) by birth;
- 2) as a result of conferment of citizenship of the Republic of Kazakhstan;
- 3) on the grounds or in the manner, provided by the interstate agreements of the Republic of Kazakhstan;
- 4) on other grounds, stipulated by this Law.

Footnote. Paragraph 3 of Article 10 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477.

Article 11. Citizenship of a child whose parents are citizens of the Republic of Kazakhstan

A child, whose parents are both at the time of his (her) birth were citizens of the Republic of Kazakhstan, is a citizen of the Republic of Kazakhstan, regardless of the place of birth.

Footnote. Article 11 as amended - by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 11-1. Citizenship of a child, whose parents are citizens of a foreign state

A child, whose parents are both at the time of his (her) birth were citizens of a foreign state, is not a citizen of the Republic of Kazakhstan, regardless of his (her) place of birth.

Footnote. The Law is supplemented by Article 11-1 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 12. Citizenship of a child, when parents have different citizenship

When parents have different citizenship, and one of which at the time of birth a child, was a citizen of the Republic of Kazakhstan, the child shall be a citizen of the Republic of Kazakhstan, if he was born:

- 1) in the territory of the Republic of Kazakhstan;
- 2) outside the Republic of Kazakhstan, but the parents or one of them at this time have the permanent residence in the territory of the Republic of Kazakhstan.

When parents have different citizenship, and one of which at the time of birth a child, was a citizen of the Republic of Kazakhstan, and if at this time, both parents have permanent residence outside of the Republic of Kazakhstan, the citizenship of a child born outside the Republic of Kazakhstan shall be determined by the agreement between the parents, expressed in written form.

A child, one of whose parents at the time of birth was a citizen of the Republic of Kazakhstan, and another was a stateless person or his (her) citizenship was unknown, shall be a citizen of the Republic of Kazakhstan, regardless of the place of birth.

In the case of establishing paternity of the child, whose mother is a stateless person, and the father is a citizen of the Republic of Kazakhstan, a child under the age of 14, becomes a citizen of the Republic of Kazakhstan, regardless of the place of birth. In case of permanent residence of the child outside of the Republic of Kazakhstan, his (her) citizenship is determined by the written request of the parents.

Footnote. Article 12 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 13. Citizenship of a child, whose parents are unknown

A child, located in the territory of the Republic of Kazakhstan and whose both parents are unknown, shall be a citizen of the Republic of Kazakhstan.

Footnote. Article 13 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 14. Acquisition of citizenship of the Republic of Kazakhstan by a child of the stateless persons

A child, whose parents are the stateless persons, that have the permanent residence in the territory of the Republic of Kazakhstan, born in the territory of the Republic of Kazakhstan, shall be a citizen of the Republic of Kazakhstan.

Footnote. Article 14 is in the wording of the Law 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).

Article 15. Conferment of the citizenship of the Republic of Kazakhstan

Foreigners and stateless persons may, upon their application, be granted the citizenship of the Republic of Kazakhstan in accordance with this Law.

The decision on the application for conferment of the citizenship of the Republic of

Kazakhstan is adopted by the President of the Republic of Kazakhstan.

Footnote. Article 15 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 16. Conditions for conferment of the citizenship of the Republic of Kazakhstan

The citizenship of the Republic of Kazakhstan may be granted to:

1) the persons, permanently residing in the territory of the Republic of Kazakhstan legally for at least five years, or are married to citizens of the Republic of Kazakhstan for at least three years.

The presence of the conditions, stipulated in the first unnumbered paragraph of this subparagraph, shall not be required for conferment of the citizenship of the Republic of Kazakhstan for minors, disabled, and the persons that have special merits to the Republic of Kazakhstan, or have a profession and meet the requirements on the list, established by the President of the Republic of Kazakhstan, and their families;

2) the citizens of the former Soviet republics, that arrived for permanent residence in the Republic of Kazakhstan, and have one of his (her) close relatives - citizens of the Republic of Kazakhstan: the child (including adopted), the wife (husband), one of the parents (adoptive parents), sister, brother, grandfather or grandmother, regardless of their residence in the Republic of Kazakhstan.

Issues of the citizenship of military servicemen, performing military service and deployed in the territory of the Republic of Kazakhstan shall be determined by the interstate agreements of the Republic of Kazakhstan.

Footnote. Article 16 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 03.10.1995 No. 2477; as amended by the Laws of the Republic of Kazakhstan dated 17.05.2002 No. 322; dated 04.10.2004 No. 600; dated 22.05.2007 No. 255 (shall be enforced from the day of its official publication); dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 16-1. Conditions for conferment of the citizenship of the Republic of Kazakhstan in the simplified (registration) procedure

The citizenship of the Republic of Kazakhstan may be granted in the simplified (registration) order to:

1) the oralmans, permanently residing in the territory of the Republic of Kazakhstan legally for at least four years or are married to citizens of the Republic of Kazakhstan for at least three years;

2) the rehabilitated victims of mass political repressions, as well as their descendants, deprived or lost their citizenship without free will, and permanently residing in the territory of the Republic of Kazakhstan on legal grounds, regardless of the period of residence.

The term for reviewing the materials for conferment of the citizenship in a simplified (registration) order should not exceed three months from the filing date.

Footnote. The Law is supplemented by Article 16-1 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (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 its first official publication).

Article 17. Grounds for refusal of conferment of citizenship and restoration of citizenship of the Republic of Kazakhstan

An application for conferment of citizenship and restoration of the citizenship of the Republic of Kazakhstan shall be rejected, if the applicant:

- 1) committed a crime against humanity, provided by the international law, knowingly acts against the sovereignty and independence of the Republic of Kazakhstan;
- 2) calls for the violation of the unity and territorial integrity of the Republic of Kazakhstan;
- 3) performs illegal activities that harm national security, public health;
- 4) incites the ethnic and religious discord, prevents the functioning of the state language of the Republic of Kazakhstan;
- 5) belongs to the terrorist and extremist organizations or convicted for terrorist activities;
- 6) is on the international wanted list, and serving a sentence for by a final judgment of the court or his (her) actions recognized by the court as particularly dangerous recidivism;
- 7) is a citizen of other countries;
- 8) reported the false information about himself (herself), when applying for conferment of the citizenship of the Republic of Kazakhstan or without good reason did not submit the required documents within the timeframe, established by the legislation of the Republic of Kazakhstan;
- 9) has the unexpunged or outstanding conviction for premeditated crimes in the territory of the Republic of Kazakhstan or abroad, recognized as such by the legislation of the Republic of Kazakhstan;
- 10) committed an offence in the economic sphere and (or) the legislation of the Republic of Kazakhstan in the field of migration during the five years prior to filing an application for conferment of the citizenship of the Republic of Kazakhstan;
- 11) lost the citizenship of the Republic of Kazakhstan pursuant to subparagraphs 1), 2) and 5) of Article 21 of this Law within five years prior to filing an application for conferment of the citizenship of the Republic of Kazakhstan.

Provisions of subparagraph 7) of the first part of this Article shall not apply to the persons that subject to the international treaties, ratified by the Republic of Kazakhstan, as well as those mentioned in the second part of subparagraph 1) of the first part of Article 16 and Article 16-1 of this Law, and applied to the Internal Affairs bodies with the notarized written request for renunciation of the foreign citizenship in the name of the official of the State, the citizens of which they are, making the decision on issues of citizenship. Information about the fact of such request in the case of conferment of the applied persons to the citizenship of the Republic of Kazakhstan, their foreign passports shall be sent to a foreign country.

Footnote. Article 17 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (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 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 18. Restoration of the citizenship of the Republic of Kazakhstan

A person that previously was a citizen of the Republic of Kazakhstan, may, at his (her) request, be restored the citizenship of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan.

The procedure and period for restoration of citizenship of the Republic of Kazakhstan are approved by the Government of the Republic of Kazakhstan.

Footnote. Article 18 is in the wording of the Law 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).

Article 18-1. Conditions for restoration of the citizenship of the Republic of Kazakhstan

The persons that previously were citizens of the Republic of Kazakhstan, and permanently residing in the territory of the Republic of Kazakhstan may be restored the citizenship of the Republic of Kazakhstan in a simplified (registration) procedure, regardless of the period of residence and if they are not in the citizenship of the foreign state, except those in respect of which previously registered the loss of citizenship of the Republic of Kazakhstan.

Footnote. Chapter 2 is supplemented by Article 18-1 in accordance with the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

CHAPTER 3

Termination of citizenship

Article 19. Grounds for termination of citizenship

Citizenship of the Republic of Kazakhstan is terminated due to:

- 1) renunciation of citizenship of the Republic of Kazakhstan;
- 2) loss of citizenship of the Republic of Kazakhstan.

Article 20. Renunciation of citizenship

Renunciation of citizenship of the Republic of Kazakhstan is allowed on the request of the person in the manner prescribed by this Law.

Renunciation of citizenship of the Republic of Kazakhstan may be refused, if the person, requesting for the renunciation, has the outstanding obligations to the Republic of Kazakhstan or the property obligations, which are associated with the substantial interests of citizens or enterprises, institutions and organizations, public associations, located on the territory of the Republic of Kazakhstan.

Renunciation of citizenship of the Republic of Kazakhstan is not allowed, if the person requesting for the renunciation, is prosecuted as an accused or is serving a sentence by a final judgment of the court, or if the renunciation of the person from the citizenship of the Republic of Kazakhstan is contrary to the interests of national security of the Republic of Kazakhstan.

Article 21. Loss of citizenship

Citizenship of the Republic of Kazakhstan shall be lost:

- 1) as a result of the person's admission to the military service, security service, police, judicial bodies, and other and administrative authorities of the another state, except as provided by the interstate agreements of the Republic of Kazakhstan;
- 2) if the citizenship of the Republic of Kazakhstan is acquired as a result of presentation of the deliberately false information or documents;
- 3) on the grounds, provided by the interstate agreements of the Republic of Kazakhstan;
- 4) is excluded by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV;
- 5) if the person acquired the citizenship of another state;
- 6) if the marriage to a citizen of the Republic of Kazakhstan, which was the basis for the acquisition by the person the citizenship of the Republic of Kazakhstan, declared as invalid by a court.

If the person that is a citizen of the Republic of Kazakhstan, takes the citizenship of a foreign state, he (she) shall report the fact of acquisition of the foreign citizenship within three working days and surrender the passport and (or) identity card of the Republic of Kazakhstan to the Internal Affairs bodies or the foreign institutions of the Ministry of Foreign Affairs of the Republic of Kazakhstan.

Footnote. Article 21, as amended by the Decree of the President, having the force of the Law of the Republic of Kazakhstan dated 03.10.1995 No. 2477; by the Laws of the Republic of Kazakhstan dated 17.05.2002 No. 322; dated 04.10.2004 No. 600; dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

CHAPTER 4

Citizenship of children at change of the parents' citizenship and in adoption

Article 22. Changing the child's citizenship in the case of a change of the parents' citizenship

When changing the parents' citizenship, due to which both shall be the citizens of the Republic of Kazakhstan, or both renounce the citizenship of the Republic of Kazakhstan, the citizenship of their child under the age of 14 shall be changed accordingly.

If one of the parents of the child is known, at changing the citizenship of the parent the citizenship of a child under the age of 14 shall be changed accordingly.

Footnote. Article 22, as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 23. The child's acquisition of the citizenship of the Republic of Kazakhstan in the case of acquisition of citizenship of the Republic of Kazakhstan by one of the parents

If one of the parents is becoming a citizen of the Republic of Kazakhstan, and the other is a citizen of another state or a stateless person, a child under 14 years of age, residing in the territory of the Republic of Kazakhstan, may acquire the citizenship of the Republic of Kazakhstan at the written request of his (her) parents about it.

Footnote. Article 23 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 24. Saving by a child the citizenship of the Republic Kazakhstan in the case of renunciation of the one of parents the citizenship of the Republic of Kazakhstan

If one of the parents renounces the citizenship of the Republic of Kazakhstan, and the other is a citizen of the Republic of Kazakhstan, a child under the age of 14 years shall retain the citizenship of the Republic of Kazakhstan. Upon the written request of the parents, such a child may be allowed to renounce the citizenship of the Republic of Kazakhstan.

Footnote. Article 24 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 25. Acquisition of a child the citizenship of the Republic of Kazakhstan in the case of adoption

A child under the age of 14 years who is a citizen of another country or a stateless person, adopted by citizens of the Republic of Kazakhstan, shall become a citizen of the Republic of Kazakhstan.

A child under the age of 14 years that is a citizen of another country or a stateless person, that is adopted by a couple, one of whom is a citizen of the Republic of Kazakhstan and the other is not, shall become a citizen of the Republic of Kazakhstan with the consent of the adoptive parents, expressed in writing.

Footnote. Article 25, as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 26. Retention of citizenship of the Republic of Kazakhstan by the child under guardianship

A child under fourteen years of age, residing in the territory of the Republic of Kazakhstan, at the request of the guardian, retains the citizenship of the Republic of Kazakhstan in the following cases:

1) if both parents or a single parent renounce the citizenship of the Republic of Kazakhstan and thus deprived of the parental rights;

2) if both parents that are citizens of other states, dead or missing, and if the relatives that are citizens of the state, which the parents were, refuse to adopt (adoption) or the child does not wish their adoption (adoption);

3) if one of the parents is dead or missing, the child's citizenship is determined by the wishes of the other parent.

Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 27. Saving by a child the citizenship of the Republic of Kazakhstan in the case of adoption

A child, who is a citizen of the Republic of Kazakhstan, and adopted by foreigners, retains the citizenship of the Republic of Kazakhstan to his (her) majority age.

A child, adopted by citizens of the Republic of Kazakhstan, in the case if both adoptive parents or one of the adoptive parents, has the citizenship of the Republic of Kazakhstan, shall retain the citizenship of the Republic of Kazakhstan to his (her) majority age.

Renunciation of citizenship of the Republic of Kazakhstan of the child that mentioned in this article is permitted only after the child reaches the majority age and at his (her) request.

Footnote. Article 27 – is in the wording of the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 28. The need for the child's consent at changing his (her) citizenship

Changing the citizenship of a child aged 14 to 18 years in case of change in the citizenship of his (her) parents, as well as in the case of adoption or guardianship may be followed only with the consent of the child, in the manner provided in Article 33 of this Law.

Footnote. Article 28, as amended by the Laws of the Republic of Kazakhstan dated 17.05.2002 No. 322; dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

CHAPTER 5

Powers of the President of the Republic of Kazakhstan and the state bodies on issues of citizenship

Footnote. The title of Chapter 5 is in the wording of the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477.

Article 29. Powers of the President of the Republic of Kazakhstan

The President of the Republic of Kazakhstan is the official, making the decision on issues of citizenship in the Republic of Kazakhstan.

The President of the Republic of Kazakhstan shall decide:

on the conferment of citizenship of the Republic of Kazakhstan;

on the restoration of citizenship of the Republic of Kazakhstan;

on the renunciation of citizenship of the Republic of Kazakhstan.

Footnote. Article 29 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law, dated 3 October, 1995 No. 2477; by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

Article 30. Powers of the Internal Affairs bodies

The Internal Affairs bodies shall:

1) accept from persons, residing in the Republic of Kazakhstan, the applications, concerning the citizenship of the Republic of Kazakhstan and with the required documents send them for consideration of the President of the Republic of Kazakhstan;

2) register the conferment of citizenship of the Republic of Kazakhstan and the renunciation of citizenship of the Republic of Kazakhstan, provided in the international treaties of the Republic of Kazakhstan;

3) register the loss of citizenship of the Republic of Kazakhstan by persons that permanently residing in the territory of the Republic of Kazakhstan;

4) execute the conferment of citizenship of the Republic of Kazakhstan in the simplified (registration) order;

5) determine the status (not belonging) to the citizenship of the Republic of Kazakhstan of persons that residing in the territory of the Republic of Kazakhstan.

The Ministry of Internal Affairs of the Republic of Kazakhstan approves the procedure for conferment of citizenship of the Republic of Kazakhstan in the simplified (registration) order.

Footnote. Article 30 is in the wording of the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 31. Powers of the Ministry of Foreign Affairs of the Republic of Kazakhstan, foreign institutions of the Republic of Kazakhstan

The Ministry of Foreign Affairs of the Republic of Kazakhstan, foreign institutions of the Republic of Kazakhstan shall:

accept from persons, residing outside the Republic of Kazakhstan, the applications concerning the citizenship of the Republic of Kazakhstan and with the required documents send them for consideration of the President of the Republic of Kazakhstan;

register the loss of citizenship of the Republic of Kazakhstan by persons, permanently residing outside the Republic of Kazakhstan;

register the citizens of the Republic of Kazakhstan, residing outside the Republic of Kazakhstan;

determine the status to the citizenship of the Republic of Kazakhstan of the persons that permanently residing outside the Republic of Kazakhstan.

In the absence of foreign institutions of the Republic of Kazakhstan in one or another state, the functions of these bodies are performed by diplomatic representatives and consular offices of other states on the basis of the relevant treaties.

Footnote. Article 31, as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 22.07.2011 No. 478-IV (shall be enforced upon the expiry of ten calendar days after its first official publication).

CHAPTER 6

Procedure for consideration of the applications and proposals on issues of citizenship of the Republic of Kazakhstan

Article 32. The procedure for applying for citizenship

Applications on issues of citizenship are submitted to the President of the Republic of Kazakhstan by the bodies, referred to in Articles 30 and 31 of this Law.

Period for consideration the applications or representations shall not exceed six months.

Applications concerning the registration of conferment of citizenship in a simplified (registration) order are submitted to the internal affairs bodies.

Footnote. Article 32, as amended by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 33. Form of applications for citizenship

Applications for conferment of citizenship of the Republic of Kazakhstan, restoration of citizenship or renunciation of it, are considered at the written request of the applicant. Applications in respect of persons that not attained the age of 18, as well as recognized in the manner prescribed by law as incapable, are considered at the notarized request of their legal representatives, and in other states - certified by the foreign institution of the Republic of Kazakhstan.

When applying for conferment of citizenship of the Republic of Kazakhstan and renunciation of it a child aged 14 to 18 years of age, his (her) consent shall be, and it shall be expressed in writing and notarized, and in other states - certified by foreign institution of the Republic of Kazakhstan.

When applying for renunciation of citizenship of the Republic of Kazakhstan of a child under 14 years, one of whose parents is a citizen of the Republic of Kazakhstan, the application of the parent, expressing his (her) attitude toward the renunciation of the child from the citizenship of the Republic of Kazakhstan, shall be submitted. Such application shall be certified by a notary, and in other states - by foreign institutions of the Republic of Kazakhstan.

If the applicant is unable to sign an application on illiteracy or due to physical defect , an application, at his (het) request, shall be signed by the other person, and the public notary and foreign institution of the Republic of Kazakhstan shall make the corresponding inscription about it on the application.

The application for conferment of citizenship shall be accompanied by the documents that

certified the identity of the applicant.

Footnote. Article 33 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322; dated 20 December, 2004 No.13.

Article 34. Conclusions on the applications for citizenship

Internal Affairs bodies, foreign institutions of the Republic of Kazakhstan direct their conclusions on the applications or representations concerning the citizenship together with a written obligation of the person, applying for conferment of citizenship, on complying with the conditions, stipulated in Article 1 of this Law, through the Ministry of Internal Affairs of the Republic of Kazakhstan and the Ministry of Foreign Affairs of the Republic of Kazakhstan addressed to the name of the President of the Republic of Kazakhstan.

Ministry of Foreign Affairs and the Ministry of Internal Affairs presents to the President of Kazakhstan the reasoned conclusion on the advisability of conferment of the citizenship of the Republic of Kazakhstan or restoration of it of each applicant, permanently residing outside the territory of the Republic of Kazakhstan, including the possibility of his (her) employment, housing and other accommodation in the Republic of Kazakhstan.

The conclusions on the applications for renunciation of citizenship of the Republic of Kazakhstan are reported the accurate information about the outstanding obligations of the applicant to the state or his (her) proprietary obligations, that are associated with the substantial interests of citizens or enterprises, institutions and organizations, public associations, on bringing him (her) to criminal liability as the accused, or on serving by him (her) the punishment on an enforceable court sentence, or that the renunciation of the citizenship of the person is contrary to the interests of national security of the Republic of Kazakhstan.

Footnote. Article 34, as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law of the Republic of Kazakhstan dated 03.10.1995 No. 2477 ; by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 13.06.2013 No. 102-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 35. Citizenship Commission under the President of the Republic of Kazakhstan

For preliminary consideration of issues of citizenship, referred to in Article 29 of this Law, the President of the Republic of Kazakhstan shall form a commission on citizenship issues.

In considering the applications and representations for citizenship, the commission comprehensively evaluates the applicant's arguments, the content of the representation, the conclusions of state bodies, other documents and the duly executed testimony.

The Commission is entitled to request under the case at its production the documents and materials from the relevant state bodies and public associations that represent the necessary information within a reasonable period, established by the commission.

The Commission shall submit for consideration of the President of the Republic of Kazakhstan the recommendations on each application or representation.

Meetings of the Commission shall be eligible, if they are attended by more than half of its members. The Commission's decision is adopted by a simple majority of votes.

The commission's decision is executed by the protocol that signed by all commission members, participating in the meeting.

Article 36. Acts on citizenship

The Decree of the President of the Republic of Kazakhstan is published on the issues of conferment and change of citizenship, and in rejection of the application.

Repeated application for citizenship is considered after one year after the previous decision on this matter. In the case of appearance of the significant circumstances for the matter that were not and could not be known to the applicant, the repeated request may be considered earlier.

Footnote. Article 36 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477.

Article 37. Calculation of the period for the conferment and loss of citizenship

Citizenship of the Republic of Kazakhstan is acquired on the day of:

- publication of the Decree of the President of the Republic of Kazakhstan for conferment of citizenship;
- birth or adoption of minors;
- publication of the Decree of the President of the Republic of Kazakhstan for the conferment by parents of minors of the citizenship of the Republic of Kazakhstan;
- its registration in the manner, prescribed by the interstate agreements;
- registration of the conferment of citizenship of the Republic of Kazakhstan in the simplified (registration) order.

Citizenship of the Republic of Kazakhstan is terminated on the day of:

- publication of the Decree of the President of the Republic of Kazakhstan for renunciation of citizenship;
- registration of its loss by state bodies in the manner, prescribed by this Law;
- registration of renunciation of citizenship of the Republic of Kazakhstan in the manner, provided by the interstate agreements of the Republic of Kazakhstan.

Footnote. Article 37, as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 03.10.1995 No. 2477; by the Law of the Republic of Kazakhstan dated 22.07.2011 No. 478-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 38. Calculation of the period of residence on the territory of the republic

The period of residence on the territory of the republic, referred to in subparagraph 1) of Article 16 of this Law, shall include:

the time while serving in the army, if the person before that lived in the territory of the republic and the interval between the day of dismissal from the army and the day of arrival in the Republic of Kazakhstan for permanent residence shall not exceed three months;

the time while studying outside the republic, the interval between the end of the study or expulsion from school and the day of arrival in the Republic of Kazakhstan shall not exceed three months;

the time of departure for business trip outside the republic, the interval between the end of the trip and the day of arrival in the Republic of Kazakhstan shall not exceed three months.

Calculation of the three-month period, referred to in the first part of this article shall be suspended in the case of illness, natural disaster or other valid reasons.

The period of residence on the territory of the Republic of Kazakhstan shall not count the time while serving the criminal penalties, imposed by the judicial authorities of other states, as well as stay on the territory of the republic on business trip, in the treatment and other cases of temporary residence.

The period of residence on the territory of the Republic of Kazakhstan does not include the period preceding the abolition of the person's belonging to the citizenship of the Republic

of Kazakhstan.

Footnote. Article 38 as amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322.

CHAPTER 7

Execution of decisions on citizenship

Article 39. Bodies, exercising the decisions on citizenship of the Republic Kazakhstan

Execution of decisions on citizenship for persons, permanently residing in the Republic of Kazakhstan, is assigned to the authorized body for documentation and issuing the passports and identity cards, and for persons, residing in another state – to the foreign institutions of the Republic of Kazakhstan.

Persons that acquired the citizenship of the Republic of Kazakhstan are awarded of the identity cards and (or) passports of the Republic of Kazakhstan by the authorized body for documentation and issuing passports and identity cards or by foreign institutions. In the documents of a child under sixteen years of age, a record of his (her) belonging to the citizenship is made.

The internal affairs bodies shall issue the certificates of stateless persons to the persons, residing in the Republic of Kazakhstan and whose citizenship is terminated.

Footnote. The first part of Article 39 - as amended by the Decree of the President of the Republic of Kazakhstan, having the force of the Law dated 3 October, 1995 No. 2477. It is amended – by the Law of the Republic of Kazakhstan dated 17 May, 2002 No. 322. New edition – by the Law of the Republic of Kazakhstan dated 20 December, 2004 No. 13.

Article 40. Control over the execution of decisions on citizenship

Control over the execution of decisions on citizenship is carried out by the Citizenship Commission under the President of the Republic of Kazakhstan.

CHAPTER 8

Appeal of decisions on citizenship

Article 41. Appeal of decisions on citizenship

Decisions on issues of citizenship may be revised by the President of the Republic of Kazakhstan.

Appeals against decisions on the question of belonging to citizenship and loss of citizenship are made to the name of the President of the Republic of Kazakhstan.

Unreasonable refusal to accept the application for citizenship, violation of the terms of the application, as well as other illegal actions of officials, violating the procedures for dealing with citizenship and the order of execution of decisions on issues of citizenship, may be appealed in accordance with the manner, established by law to a superior official or in a court.

CHAPTER 9

International treaties

Footnote. Chapter 9 is excluded by the Law of the Republic of Kazakhstan dated 29.04.2009 No. 154-IV (the order of enforcement see Art. 2).

*The President
of the Republic of Kazakhstan*

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