



On Documents of Identification

Unofficial translation

The Law of the Republic of Kazakhstan dated 29 January, 2013 No.73-V

The order of enforcement of this Law see Article 31

This Law determines the legal basis of documents of identification, establishes requirements to their execution, as well as regulates activity on reproduction, issuance, change, surrender, suppression and destruction of identity documents.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic concepts used in this Law

The following basic concepts shall be used in this Law:

- 1) identity document of person without citizenship - a document of identification of individual, having no proof of their belonging to the citizenship of any state;
- 2) identity document of refugee - a document of identification and approving the status of refugee;
- 3) a document of identification - a material object of standard form with information on personal data of individuals, recorded in it, permitting to establish identity and legal status of its owner for the purpose of personal identification;
- 4) identity document of citizen of the Republic of Kazakhstan - a document of identification of citizen and approving the citizenship of the Republic of Kazakhstan;
- 5) passport of citizen of the Republic of Kazakhstan - a document of identification of citizen and approving the citizenship of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan and abroad;
- 6) diplomatic passport of the Republic of Kazakhstan - a document of identification of citizen of the Republic of Kazakhstan upon his (her) departure, residence outside of the Republic of Kazakhstan for execution of official duties, imposed on him (her) and upon his (her) entrance into the Republic of Kazakhstan;
- 7) service passport of the Republic of Kazakhstan - a document of identification of citizen of the Republic of Kazakhstan and approving an official status of his (her) owner upon departure and entrance, residence outside of the Republic of Kazakhstan for execution of official duties, imposed on him (her);
- 8) identity document of seafarer of the Republic of Kazakhstan - a document of identification of the owner, working on board of the sea craft (except for the ship of war) in the composition of the crew, as well as the ship of mixed navigation (river-sea), used for the purposes of merchant marine, or training in the educational institution, directed to the ship for the traineeship;
- 9) certificate of return - a document of identification and approving the right of the owner for the single entrance to the Republic of Kazakhstan;
- 10) certificate of birth - a document of identification of individual, certifying on the state registration of the fact of birth;
- 11) temporary identity document - a document, which is issued to the citizens of the Republic of Kazakhstan upon loss of identity document, its non-validity or absence;

12) authorized state bodies – bodies of internal affairs, judicial bodies, body in the field of foreign-policy activity, body in the field of transport and communication, carrying out execution, issuance, change, suppression and destruction of documents of identification within its competence;

13) foreign passport – a document, recognized by the Republic of Kazakhstan as the document of identification of the foreigner or person without citizenship and approving their legal status;

14) residence permit of the foreigner in the Republic of Kazakhstan – a document of identification of the foreigner in the territory of the Republic of Kazakhstan and approving obtainment them the permission for the permanent residence in the Republic of Kazakhstan.

Article 2. The legislation of the Republic of Kazakhstan on documents of identification

1. The legislation of the Republic of Kazakhstan on documents of identification shall be based on the Constitution of the Republic of Kazakhstan and shall consist of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 3. The scope of this Law

The force of this Law shall be extended to all citizens of the Republic of Kazakhstan irrespective of the place of residence, foreigners and persons without citizenship, permanently residing or temporary staying in the Republic of Kazakhstan.

Article 4. Principles of legal regulation in the scope of documents of identification

Requirements to execution, issuance, change, surrender, suppression and destruction of documents of identification shall be based on the principles:

- 1) legality;
- 2) obligation;
- 3) observation of rights and freedoms of person and citizen;
- 4) equality of all before the law;
- 5) non-discrimination on grounds of origin, social, official or property status, gender, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances;
- 6) the unity of rights and obligations of person and citizen;
- 7) availability.

Article 5. Rights and obligations of citizens of the Republic of Kazakhstan, foreigners and persons without citizenship

1. Citizens of the Republic of Kazakhstan, permanently residing in the Republic of Kazakhstan, foreigners and persons without citizenship shall have a right to obtain the documents of identification, corresponding to their status.

2. Citizens of the Republic of Kazakhstan irrespective of the place of residence,

foreigners and persons without citizenship, permanently residing or temporary staying in the Republic of Kazakhstan shall be obliged to have the documents of identification, corresponding to their status.

Chapter 2. LEGAL BASIS OF DOCUMENTS OF IDENTIFICATION

Article 6. Documents of identification

1. The documents of identification shall be:

- 1) passport of citizen of the Republic of Kazakhstan;
- 2) identity document of citizen of the Republic of Kazakhstan;
- 3) residence permit of foreigner in the Republic of Kazakhstan;
- 4) identity document of person without citizenship;
- 5) diplomatic passport of the Republic of Kazakhstan;
- 6) service passport of the Republic of Kazakhstan;
- 7) identity document of refugee;
- 8) identity document of seafarer of the Republic of Kazakhstan;
- 9) foreign passport;
- 10) certificate of return;
- 11) certificate of birth.

Driver license, military card and birth statement may be recognized as the documents of identification in the cases, provided by the Criminal Procedure Code of the Republic of Kazakhstan.

2. The documents of identification, issued by the authorized state bodies of the Republic of Kazakhstan shall be the property of state.

3. Civil transaction shall be made on the documents of identification, provided by subparagraph 1), 2), 3), 4), 9) and 11) of paragraph 1 of this Article.

Footnote. Article 6 as amended by the Law of the Republic of Kazakhstan dated 04.07.2014 No. 233-V (shall be enforced from 01.01.2015).

Article 7. Requirements to the documents of identification

1. Documents of identification shall contain the following data:

- 1) surname, name, patronymic (in its existence);
- 2) the date and birth place;
- 3) gender, except for the certificate of birth;
- 4) nationality - at the request of the owner in the documents of identification, specified in subparagraphs 1), 2), 5) and 6) of paragraph 1 of Article 6 of this Law;
- 5) citizenship, except for the certificate of birth;
- 6) photo, except for the certificate of birth;
- 7) the name of authority, issued the document;
- 8) the date of issue, document number, expiry date, except for the certificate of birth;
- 9) signature of documents owner, except for the certificate of birth.

2. Documents of identification, specified in subparagraphs 1), 2), 3), 4), 5), 6) and 11) of paragraph 1 of Article 6 of this Law shall contain a unique identification number.

3. Documents of identification shall be filed by the authorized state body in the Kazakh language, or at the wish of owner in Russian language.

Passport of the citizen of the Republic of Kazakhstan and identity document of person without citizenship shall be filed in Kazakh language or at the wish of owner in Russian, as well as in English.

Diplomatic passport of the Republic of Kazakhstan, service passport of the Republic of

Kazakhstan, identity document of seafarer of the Republic of Kazakhstan shall be filed in Kazakh and English languages.

Article 8. Passport of citizen of the Republic of Kazakhstan

1. Passport of citizen of the Republic of Kazakhstan shall be issued to the citizens of the Republic of Kazakhstan at their wish irrespective of age and prove identity of citizen of the Republic of Kazakhstan in the territory of the Republic of Kazakhstan and abroad.

2. The following records and notes may be made in the passport of the Republic of Kazakhstan:

- 1) permissive record on leaving abroad for the permanent residence;
- 2) a record on children under the age of sixteen in the cases of departure together with parents abroad with pasting their photos;
- 3) the visa of a foreign state;
- 4) a mark of border control check point on border crossing.

3. The marks in the passport of citizen of the Republic of Kazakhstan, provided by the authorized state bodies of the Republic of Kazakhstan shall be formed by the stamps, the form of which is established by the authorized state bodies and National Security Committee of the Republic of Kazakhstan. Placing and making of records and marks, not provided by this Law to the passport of citizen of the Republic of Kazakhstan shall be prohibited.

4. Passport of citizen of the Republic of Kazakhstan shall be issued with validity of ten years.

Article 9. Identity document of citizen of the Republic of Kazakhstan

1. Citizens of the Republic of Kazakhstan, permanently residing in its territory shall be obliged to have identity document.

2. Identity document shall be issued to the citizens of the Republic of Kazakhstan from the age of sixteen.

3. Citizens of the Republic of Kazakhstan leaving the country for permanent residence abroad shall surrender the identity document to the internal affairs bodies.

4. Identity document of citizen of the Republic of Kazakhstan shall be issued with validity of ten years.

Article 10. The residence permit of foreigner in the Republic of Kazakhstan

1. The residence permit of foreigner in the Republic of Kazakhstan shall be issued to the foreigners, permanently residing in the territory of the Republic of Kazakhstan, from sixteen years old with validity of ten years, but not exceeding the validity of passport of country of their citizenship.

2. Upon leaving abroad the identity of foreigner shall certify the passport of country of his (her) citizenship.

Article 11. Identity document of person without citizenship

1. Identity document of person without citizenship shall be issued to the persons without citizenship, permanently residing in the territory of the Republic of Kazakhstan, reached the

age of sixteen.

2. Identity document without citizenship shall be issued with validity of five years for approval of identity of the owner in the territory of the Republic of Kazakhstan and abroad.

3. Upon leaving abroad without parents, guardians, trustees, the identity document of person without citizenship shall be issued to the persons under the age of sixteen.

Article 12. Diplomatic passport of the Republic of Kazakhstan

1. Diplomatic passport of the Republic of Kazakhstan shall be issued to the civil servants according to the list, approved by the President of the Republic of Kazakhstan.

2. The head of the authorized state body, carrying out foreign policy activity, in coordination with the President of the Republic of Kazakhstan shall have a right to issue the diplomatic passport of the Republic of Kazakhstan to the persons, not specified in the list.

3. The diplomatic passports shall be also issued to spouses and children under the age of eighteen, of the persons, having the diplomatic passport of the Republic of Kazakhstan, in the case of their joint departure to the long international trips.

4. Diplomatic passport of the Republic of Kazakhstan shall be issued with validity of five years.

Article 13. Service passport of the republic of Kazakhstan

1. Service passport of the Republic of Kazakhstan shall be issued to the civil servants according to the list, approved by the President of the Republic of Kazakhstan.

2. The service passports shall be also issued to the spouses and children under the age of eighteen, following in the long international trips with the persons, having the service passports of the Republic of Kazakhstan.

3. Service passport of the Republic of Kazakhstan shall be issued with validity of five years.

Article 14. Identity document of refugee

1. Identity document of refugee shall be issued to the foreigners and persons without citizenship, to whom the status of refugee was assigned in the manner established by the Law of the Republic of Kazakhstan "On refugees".

2. Identity document of refugee shall be issued with validity of one year, exceeded for each subsequent year by the authorized state body before the period of preservation of circumstances, served as a ground of provision the status of refugee in the country of origin of refugee.

Article 15. Identity document of seafarer of the Republic of Kazakhstan

1. Identity document of seafarer of the Republic of Kazakhstan shall be issued to the citizens of the Republic of Kazakhstan, working on board of the sea craft or training in the educational institution, directed to the ship for the traineeship;

2. Identity document of seafarer of the Republic of Kazakhstan shall be also issued to the foreigners and persons without citizenship, permanently residing in the Republic of Kazakhstan, hiring for the work on ships, registered in the Republic of Kazakhstan.

3. Identity document of seafarer of the Republic of Kazakhstan shall be issued with validity of five years.

Article 16. Foreign passport

1. Foreign passport shall certify the identity of foreigner or person without citizenship and approve their legal status.

2. Grounds of issuance and validity of foreign passport shall be determined by the legislation of foreign state.

Article 17. Certificate of return

1. Certificate of return shall be issued to:

1) the citizens of the Republic of Kazakhstan - in the case of loss of passport of citizen of the Republic of Kazakhstan, service or diplomatic passport of the Republic of Kazakhstan or expiration of their validity during their stay outside of the Republic of Kazakhstan;

2) the citizens of minority age of the Republic of Kazakhstan - in the case of their birth outside of the Republic of Kazakhstan;

3) citizens without citizenship, permanently residing in the Republic of Kazakhstan, - in the case of loss of identity document of person without citizenship during stay them outside of the Republic of Kazakhstan;

4) refugees - in the case of loss of travel document during stay them outside of the Republic of Kazakhstan;

5) citizens of the Republic of Kazakhstan and persons without citizenship, permanently residing in the Republic of Kazakhstan, having invalid documents for the entrance to the Republic of Kazakhstan, - in the case of their deportation to the Republic of Kazakhstan, surrender to the Republic of Kazakhstan.

2. Certificate of return shall be issued for the single entrance to the Republic of Kazakhstan and may not be used for departure from the Republic of Kazakhstan.

3. Certificate of return shall be issued by the foreign institutions of the Republic of Kazakhstan.

4. The following marks shall be made in the certificate of return:

1) on visas - by the competent body of foreign country, authorized for issuance of visas;

2) on crossing of the State Border of the Republic of Kazakhstan and the state borders of other states - by the body of border service, competent body of foreign country, carrying out the border control;

3) on cancellation of previously made marks - by the body, made the relevant mark.

Article 18. Certificate of birth

1. Certificate of birth shall be issued on the basis of statement of the state registration of child in accordance with the legislation of the Republic of Kazakhstan.

2. Certificate of birth shall be the document of identification of individual before obtainment of one of the following documents- identity document of citizen of the Republic of Kazakhstan, passport of citizen of the Republic of Kazakhstan, identity document without citizenship or foreign passport.

Article 19. The grounds of issuance of documents of identification

Issuance of documents of identification shall be carried out on the basis of one of the following documents:

- 1) statement of birth;
- 2) certificate of birth;
- 3) passport of citizen of the Republic of Kazakhstan;
- 4) identity document of the citizen of the Republic of Kazakhstan;
- 5) temporary identity document;
- 6) certificate of return;
- 7) identity document of person without citizenship;
- 8) foreign passport;
- 9) certificate of conferment of nationality of the Republic of Kazakhstan, withdrawal from citizenship of the Republic of Kazakhstan and change of citizenship according to the Decree of the President of the Republic of Kazakhstan, as well as on the change of citizenship in accordance with international treaties, ratified by the Republic of Kazakhstan;
- 10) an application on award of status of refugee, favorably considered by the authorized state body.

Article 20. Issuance of documents of identification

1. Documents of identification shall be issued by the authorized state bodies to the owner or his (her) legal representative no later than thirty calendar days from the date of filing of an application for obtaining of documents of identification (except for the documents , formed in the foreign institutions of the Republic of Kazakhstan).

2. The documents of identification, provided in subparagraphs 1) - 4) of paragraph 1 of Article 6 of this Law shall be issued summarily at the wish of individual in the manner established by the Government of the Republic of Kazakhstan.

3. Upon filling of documents of identification, the surname, name, patronymic (in its existence) and other data shall be recorded in accordance with the document, served as a ground for their issuance, except for the cases provided by the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

4. The temporary identity document shall be issued with validity of three months to the citizens of the Republic of Kazakhstan upon loss of identity document, its invalidity or absence before obtainment a new one.

Extension of the validity of temporary identity document shall not be allowed.

Article 21. Recovery of documents of identification in the case of their lose

1. Citizens of the Republic of Kazakhstan, permanently residing in the Republic of Kazakhstan, the foreigners and persons without citizenship in the case of loss of documents of identification shall be applied to the authorized state bodies for obtainment the new one.

2. Upon loss of passport of the Republic of Kazakhstan, the citizens of the Republic of Kazakhstan, staying abroad shall be applied to the foreign institutions of the Republic of Kazakhstan.

Article 22. Non-validity of documents of identification, their change and surrender

1. A document of identification shall be invalid and shall subject to surrender and change in the cases of:

- 1) absence of details, specified in subparagraphs 1), 2), 5), 6), 7) and 8) of paragraph 1 of Article 7 of this Law (except for the certificate of birth);
- 2) expiration of its validity;
- 3) impossibility of identification of data, specified in subparagraphs 1), 2), 5), 6), 7) and 8) of paragraph 1 of Article 7 of this Law, or protection degree of document;
- 4) loss of document from the date of filing of an application by the owner to the authorized state body;
- 5) nonconformity to the legal status of the owner;
- 6) gender reassignment.

2. Found documents of identification shall be surrendered to the internal affairs bodies. In the case of recovery of lost document of identification by the owner, found document shall be destructed in the manner established by the legislation of the Republic of Kazakhstan.

3. The documents of identification of deceased person, as well as declared dead by the court shall be surrendered to the authorized state bodies and destructed in the manner established by the legislation of the Republic of Kazakhstan.

Article 23. Suppression and use of documents of identification

1. In the cases and manner established by the Laws of the Republic of Kazakhstan, the documents of identification shall be suppressed by the civil servants of bodies of preliminary investigation, inquire, as well as civil servants in the course of administrative proceeding and execution of loss of citizenship.

Suppression of documents of identification shall be prohibited by other bodies and civil servants.

2. It prohibited to take in pledge the documents of identification.

3. Identification of individual on copies of documents of identification, as well as their use, except for the cases provided by the legislation of the Republic of Kazakhstan shall be prohibited.

4. The documents of identification shall be suppressed from the persons, convicted to imprisonment and stored in the institutions, executing the sentences. Upon release from service of sentence the documents of identification shall be returned to the owners.

Chapter 3. COMPETENCE OF THE STATE BODIES IN THE SCOPE OF DOCUMENTS OF IDENTIFICATION

Article 24. Competence of the President of the Republic of Kazakhstan

The President of the Republic of Kazakhstan shall:

- 1) approve procedure of execution, issuance, change, surrender, suppression and destruction of diplomatic and service passports of the Republic of Kazakhstan;
- 2) approve the list of civil servants of the Republic of Kazakhstan, to whom the diplomatic and service passports of the Republic of Kazakhstan are issued;
- 3) exercise other powers in accordance with the constitution and Laws of the Republic of Kazakhstan.

Article 25. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall:

- 1) approve procedure of execution, issuance, change, suppression and destruction of documents of identification, except for the diplomatic and service passports of the Republic of Kazakhstan;
- 2) approve the samples of documents of identification and requirements to their protection;
- 3) exercise other powers, provided by the Constitution, the Laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 26. Competence of internal affairs bodies

Internal affairs bodies shall:

- 1) develop the samples, procedure of execution, issuance, change, surrender, suppression and destruction of documents of identification:
 - passport of citizen of the Republic of Kazakhstan;
 - identity document of citizen of the Republic of Kazakhstan;
 - residence permit of the foreigner in the Republic of Kazakhstan;
 - identity document without citizenship;
 - identity document of refugee;
- 2) carry out execution, issuance, change, suppression and destruction of documents of identification, specified in subparagraph 1) of this Article;
- 3) exercise other powers, provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 27. Competence of the authorized state body in the field of foreign policy activity

Authorized state body in the foreign policy activity shall:

- 1) develop the samples, procedure of execution, issuance, change, surrender, suppression and destruction of diplomatic passport of the Republic of Kazakhstan and service passport of the Republic of Kazakhstan;
- 2) develop the sample, procedure of execution, issuance and change of certificate of return;
- 3) carry out execution, issuance, change, suppression and destruction of documents of identification, specified in subparagraph 1) of this Article;
- 4) suppress the identity of documentation from the citizens of the Republic of Kazakhstan, obtained the documents for the right of permanent residence abroad, and passport – in the case of acquisition of citizenship of other state in the manner established by the legislation of the Republic of Kazakhstan;
- 5) exercise other powers provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 28. Competence of other authorized state bodies

Other authorized state bodies shall:

- 1) develop the samples, procedure of execution, issuance, change, surrender, suppression and destruction of documents of identification:

judicial bodies - certificate of birth;
authorized state body in the field of transport and communication - identity document of seafarer of the Republic of Kazakhstan;
2) carry out execution, issuance, change, suppression and destruction of documents of identification within the competence;
3) exercise other powers, provided by the Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Chapter 4. FINAL PROVISIONS

Article 29. State monopoly in the field of reproduction of documents of identification

An activity on reproduction of documents of identification, specified in subparagraphs 1) , 2), 3) and 4) of paragraph 1 of Article 6 of this Law, accumulation and maintenance of integrated data bank of the system of reproduction of documents, automatization of work on accounting of migration processes, development, introduction and maintenance of program and technical products for the internal affairs bodies shall be referred to the state monopoly and carried out by the republican state enterprise on the basis of economic control rights, created by the decision of the Government of the Republic of Kazakhstan.

Article 30. Responsibility for violation of the legislation of the Republic of Kazakhstan on documents of identification

Violation of the legislation of the Republic of Kazakhstan on documents of identification shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

Article 31. The order of enforcement of this Law

This Law shall be enforced upon expiry of ten calendar days after its first official publication.

*The President
of the Republic of Kazakhstan*

N. Nazarbayev