

## LAW OF THE REPUBLIC OF KAZAKHSTAN

### On the legal status of foreigners of June 19, 1995 No. 2337

(amended as of 16-04-2018)

#### Section I. General provisions

##### Article 1. The legislation on legal status of foreigners in the Republic of Kazakhstan

The legislation of the Republic of Kazakhstan on legal status of foreigners is based on [the Constitution](#) of the Republic of Kazakhstan and determines according to it basic rights and obligations of foreigners, procedure for their entry into the Republic of Kazakhstan, stay and movement by its territory and departure from the Republic of Kazakhstan.

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

The legal status of foreigners in the Republic of Kazakhstan can be determined by also international treaties of the Republic of Kazakhstan.

If the international treaty ratified by the Republic of Kazakhstan establishes other rules, than those which contain in this Law then are applied rules of the international treaty.

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

Foreigners the persons who are not citizens of the Republic of Kazakhstan and having the evidence of the belonging to nationality of other state are recognized the Republic of Kazakhstan.

The persons who are not citizens of the Republic of Kazakhstan and not having the evidence of the belonging to nationality of other state are recognized stateless persons.

##### Article 3. The principles of legal status of foreigners in the Republic of Kazakhstan

Foreigners in the Republic of Kazakhstan have all rights and freedoms, and also perform all duties established by the Constitution, the laws and international treaties of the Republic of Kazakhstan, except as specified, provided by the laws and international treaties of the Republic of Kazakhstan.

Foreigners in the Republic of Kazakhstan are equal before the law, irrespective of their origin, social and property status, racial and national identity, floor, education, language, the relation to religion, sort and nature of occupations.

Use by foreigners of the rights and freedoms shall not cause damage to interests of the Republic of Kazakhstan, the rights and legitimate interests of her citizens and other persons and is inseparable from execution of the obligations established by the legislation of the Republic of Kazakhstan by them.

##### Article 4. The foreigners who are constantly living and temporarily staying in the Republic of Kazakhstan

The foreigners who got for that permission and the document to the right of permanent residence according to the procedure, determined by the Government of the Republic of Kazakhstan are recognized constantly living in the Republic of Kazakhstan.

The compulsory provision of provision of permission to permanent residence in the Republic of Kazakhstan is confirmation by person applying for receipt of such permission, except for the ethnic Kazakhs, persons who were born or earlier consisting in nationality of the Republic of Kazakhstan or the Kazakh Soviet Socialist Republic, and

members of their families, the solvency according to the procedure and the sizes determined by the Government of the Republic of Kazakhstan.

The foreigners who are in the Republic of Kazakhstan on other legal cause, and also recognized as the victims, witnesses, suspects or persons accused on criminal cases are considered temporarily staying in the Republic of Kazakhstan before entry into force of the court verdict or adoption of other proceeding decision by authorized bodies.

The foreigners who are temporarily staying in the Republic of Kazakhstan over five calendar days from the date of crossing of Frontier of the Republic of Kazakhstan shall have permission to temporary residence (registration) if other procedure is not established by the agreement of the Republic of Kazakhstan with the relevant party or the Government of the Republic of Kazakhstan, and to leave the Republic of Kazakhstan after registration term.

#### **Article 5. Provision of shelter**

The Republic of Kazakhstan grants asylum right to foreigners who became the victims of human rights violations.

The issue of provision of political asylum is resolved by the President of the Republic of Kazakhstan.

### **Section II. Basic rights, freedoms and obligations of foreigners in the Republic of Kazakhstan**

#### **Article 6. Labor activity and rest**

Foreigners can perform labor activity in the Republic of Kazakhstan on the basis and according to the procedure, established by the legislation and international treaties of the Republic of Kazakhstan. For the purpose of ensuring realization of constitutional right of citizens of the Republic of Kazakhstan on freedom of work by legal acts restrictions on implementation of labor activity of foreigners in the Republic of Kazakhstan can be set.

Foreigners cannot be appointed to separate positions or be engaged in certain type of labor activity if according to the legislation of the Republic of Kazakhstan appointment to these positions or occupation as such type of activity are connected with belonging to nationality of the Republic of Kazakhstan.

The foreigners who are constantly living in the Republic of Kazakhstan in employment relationships have the same rights and perform the same duties, as citizens of the Republic of Kazakhstan.

The foreigners who are temporarily staying in the Republic of Kazakhstan can be subjects of private entrepreneurship. At the same time implementation of business activity without formation of legal entity is not allowed.

The foreigners who are in the Republic of Kazakhstan have right to rest in accordance with general practice with citizens of the Republic of Kazakhstan.

#### **Article 7. Health protection**

To the foreigners and stateless persons which are in the territory of the Republic of Kazakhstan, medical care is provided in the presence of the policy of voluntary medical insurance if other is not provided by the laws of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.

#### **Article 8. Social and provision of pensions**

The foreigners who are constantly living in the Republic of Kazakhstan in questions social and provision of pensions have the same rights and perform the same duties, as citizens of the Republic of Kazakhstan.

When purpose of pensions and retirement benefits and benefits requires certain length of service, to foreigners the years of service of their work abroad on the bases and according to the procedure, established by the legislation and international treaties of the Republic of Kazakhstan can be set off.

#### **Article 9. Right to housing, other property and personal non-property rights**

The foreigners who are constantly living in the Republic of Kazakhstan in the housing relations have the same rights and perform the same duties, as citizens of the Republic of Kazakhstan if other is not provided [by the Constitution](#), the laws and international treaties.

Foreigners can have in the Republic of Kazakhstan on the property right the dwelling (except for temporarily staying foreigners) and other property, to have the rights of the author of works of science, the literature and art, opening, the invention, improvement suggestion, industrial designs, and also other property and personal non-property rights, except as specified, established [by the Constitution](#), the laws and international treaties.

The foreigners who are constantly living in the Republic of Kazakhstan have the property and personal non-property rights on an equal basis with citizens of the Republic of Kazakhstan.

The foreigners who are temporarily staying in the Republic of Kazakhstan have right to use the property and personal non-property rights on the bases and according to the procedure, established by the legislation and international treaties of the Republic of Kazakhstan.

## **Article 10. Education**

The foreigners and persons without citizenship who are constantly living in the Republic of Kazakhstan have the rights to preschool, primary, main secondary and general secondary education, equal with citizens of the Republic of Kazakhstan, according to the procedure, established by the legislation of the Republic of Kazakhstan in the field of education.

The persons without citizenship who are constantly living in the Republic of Kazakhstan are granted the right on competitive basis according to the state educational order of free technical and professional, postsecondary, higher and postgraduate education if they get education of each of these levels for the first time.

The right foreigners on competitive basis according to the state educational order of free technical and professional, postsecondary, higher and postgraduate education is determined by international treaties of the Republic of Kazakhstan.

The foreigners accepted in the organization of education have the rights and perform duties of students and pupils according to the legislation of the Republic of Kazakhstan.

## **Article 11. Use of achievements of culture**

Foreigners in the Republic of Kazakhstan have the right to use of achievements of culture on an equal basis with citizens of the Republic of Kazakhstan. They shall make thrifty use of historical and cultural monuments, other cultural values.

## **Article 12. Participation in public associations**

The foreigners who are constantly living in the Republic of Kazakhstan have the right to enter public associations, except the political parties and public associations pursuing political goals and if it does not contradict charters (provisions) of these associations.

## **Article 13. Liberty of conscience**

Liberty of conscience on an equal basis with citizens of the Republic of Kazakhstan is guaranteed to the foreigners who are in the Republic of Kazakhstan.

Excitement of hostility and hatred in connection with religious beliefs is forbidden.

## **Article 14. Marriage and family relations**

Foreigners in the Republic of Kazakhstan can conclude and dissolve marriage with citizens of the Republic of Kazakhstan and other persons, have the rights and perform duties in the marriage and family relations on an equal basis with citizens of the Republic of Kazakhstan according to the legislation and international treaties of the Republic of Kazakhstan.

## **Article 15. Inviolability of home, honor and advantage of the personality**

Inviolability of home, honor and advantage of the personality is guaranteed to foreigners in the Republic of Kazakhstan.

## **Article 16. Movement on the territories of the Republic of Kazakhstan and the choice of the residence**

Foreigners can freely move on the territory of the Republic of Kazakhstan open for visit for foreigners and choose the residence according to the procedure established by the legislation of the Republic of Kazakhstan. Restrictions in movement and the choice of the residence are established by acts of representatives on that state bodies of the Republic of Kazakhstan, when necessary for ensuring state security, protection of public order, health and morality of the population, protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan and other persons.

## **Article 17. Taxes and fees**

Foreigners are assessed with taxes and fees in the Republic of Kazakhstan in accordance with general practice with citizens of the Republic of Kazakhstan if other is not stipulated by the legislation also international treaties of the Republic of Kazakhstan.

## **Article 18. Protection of the rights of foreigners**

Foreigners in the Republic of Kazakhstan have the right to appeal to the court and other state bodies for protection of the property and personal non-property rights belonging to them.

Foreigners have in court procedural law on an equal basis with citizens of the Republic of Kazakhstan, except as specified, provided by international treaties of the Republic of Kazakhstan.

## **Article 19. Restrictions in the voting right**

Foreigners in the Republic of Kazakhstan cannot choose and be elected to representative and other elected state bodies and positions, and also to participate in republican referenda.

## **Article 20. Relation to conscription**

The conscription does not extend to the foreigners who are constantly living in the territory of the Republic of Kazakhstan.

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

### **Article 21. Establishment of rules of entry into the Republic of Kazakhstan, departure from the Republic of Kazakhstan, transit through the territory of the Republic of Kazakhstan**

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

### **Article 22. Entry into the Republic of Kazakhstan**

Foreigners can drive to the Republic of Kazakhstan according to the valid foreign passports or documents replacing them in the presence of entrance visas of the Republic of Kazakhstan if other procedure is not established by the agreement of the Republic of Kazakhstan with the relevant party or the Government of the Republic of Kazakhstan.

Entry into the Republic of Kazakhstan is forbidden to the foreigner:

- 1) for the benefit of ensuring national security, protection of public order and health of the population;
- 2) if its actions are directed to violent change of the constitutional system;
- 3) if he opposes sovereignty and independence of the Republic of Kazakhstan, calls for violation of unity and integrity of its territory;
- 4) if it kindles international, interfaith and religious strife;

5) if it is necessary for protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan and other persons;

6) if bodies of homeland security have data on his involvement in extremism or terrorist activities, and also in case of recognition by court in its actions of dangerous recurrence;

7) if it does not perform collection for the making of criminal or administrative offense imposed on it during the previous stay in the Republic of Kazakhstan;

8) if during the previous stay in the Republic of Kazakhstan the declaration on the individual income tax is not provided to them in case submission of such declaration is stipulated by the legislation the Republic of Kazakhstan;

9) if it did not provide confirmation about availability of the means necessary for stay and departure from the Republic of Kazakhstan, according to the procedure, of the ethnic Kazakhs, persons who were born or earlier consisting in the nationality of the Republic of Kazakhstan or the Kazakh Soviet Socialist Republic, and members of their families determined by the Government of the Republic of Kazakhstan, except for;

10) if in case of the address with the petition for entrance he reported about himself false data or did not submit necessary documents in time, established by the legislation of the Republic of Kazakhstan;

11) in the presence at it the diseases which are contraindication for entry into the Republic of Kazakhstan;

12) if it lost nationality of the Republic of Kazakhstan on the bases provided [by the subitem 8\) of part one of article 21](#) of the Law of the Republic of Kazakhstan of December 20, 1991 "About nationality of the Republic of Kazakhstan" earlier;

13) if it was deprived of nationality of the Republic of Kazakhstan on the bases, [the stipulated in Article 20-1](#) Law of the Republic of Kazakhstan of December 20, 1991 earlier "About nationality of the Republic of Kazakhstan".

Entry into the Republic of Kazakhstan within five years from the date of decision about expulsion is forbidden to the foreigners who are earlier expelled the Republic of Kazakhstan.

Are not considered statements of the adopting persons for the invitation to the Republic of Kazakhstan of foreigners if within one year before submission of such statement the accepting persons were made responsible for rejection of measures for timely registration of immigrants, to document creation on the right of their stay in the Republic of Kazakhstan and to ensuring departure from the Republic of Kazakhstan after certain term of stay.

In case of entry into the Republic of Kazakhstan migratory cards are issued to foreigners. The form and rules of issue of migratory cards are approved by the Ministry of Internal Affairs of the Republic of Kazakhstan in coordination with bodies of homeland security of the Republic of Kazakhstan.

Entry visas or other documents corresponding to them are issued by diplomatic representations and consular establishments of the Republic of Kazakhstan or in some cases the representatives of the Republic of Kazakhstan who are specially authorized on that.

The bases for issue of visas are invitations of the accepting persons or permission of representatives to that of state bodies of the Republic of Kazakhstan if other is not provided by international treaties of the Republic of Kazakhstan.

### **Article 23. Departure from the Republic of Kazakhstan**

Foreigners leave the Republic of Kazakhstan according to the valid foreign passports or documents replacing them in the presence of exit visas, the issued representatives on that state bodies of the Republic of Kazakhstan if other procedure is not established by the agreement with the respective country or the Government of the Republic of Kazakhstan.

Departure from the Republic of Kazakhstan is not allowed to the foreigner:

a) if there are bases for attraction it to criminal liability - before the end of proceedings;

b) if he is condemned for making of criminal offense, behind it probation control is established or delay of execution of the punishment is applied to it, - before departure of punishment or release from punishment, the expiration of probation of control, the expiration of delay of execution of the punishment, except as specified its expulsions based on the judgment;

c) if it evades from obligation fulfillment, imposed on it by court, - before obligation fulfillment.

d) *it is excluded*

Departure from the Republic of Kazakhstan of the foreigner can be delayed before execution of property obligations by it with which essential interests of citizens of the Republic of Kazakhstan, other physical persons and legal entities are connected.

#### **Article 24. Transit**

The foreigners passing en route through the territory of the Republic of Kazakhstan follow with observance of rules of transit to the border check-point of departure from the Republic of Kazakhstan along the established route and can have stops in the territory of the Republic of Kazakhstan only in the Items specified in the Kazakhstan transit visas in the presence of the permission issued by representatives on that state bodies of the Republic of Kazakhstan.

### **Section IV. Responsibility of foreigners. Reducing term of stay. Expulsion**

#### **Article 25. Bases of responsibility for offenses**

The foreigners who made criminal, administrative or other offenses in the territory of the Republic of Kazakhstan are subject to responsibility in accordance with general practice with citizens of the Republic of Kazakhstan, except as specified, established by international treaties of the Republic of Kazakhstan.

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

The foreigners who violated rules of stay in the Republic of Kazakhstan, that is living without documents on the right of residence or living according to invalid documents, not observing established procedure of registration or movement and choice of the residence, evading from departure after the stay term determined by it and also not following rules of transit through the territory of the Republic of Kazakhstan, are subject to the administrative responsibility according to the laws of the Republic of Kazakhstan.

Malicious violation by foreigners of rules of stay in the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan involves the criminal liability provided by the laws of the Republic of Kazakhstan.

#### **Article 27. Reducing term of stay in the Republic of Kazakhstan**

To the foreigner violating the law on legal status of foreigners the term of stay in the Republic of Kazakhstan established to it can be reduced. The term of stay of the foreigner in the Republic of Kazakhstan can be reduced also in cases when the bases for its further stay disappeared.

#### **Article 28. Expulsion out of limits of the Republic of Kazakhstan**

The foreigner can be expelled out of limits of the Republic of Kazakhstan:

- a) if its actions contradict interests of ensuring state security or protection of public order;
- b) if it is necessary for health protection and morality of the population, protection of the rights and legitimate interests of citizens of the Republic of Kazakhstan and other persons;
- c) if he violated the law of the Republic of Kazakhstan;
- d) in case of scrap recognition invalid according to the procedure, established by legal acts if marriage with the citizen of the Republic of Kazakhstan was the basis for its leaving on the permanent residence in the Republic of Kazakhstan.

The decision on expulsion is made by court. The foreigner shall leave the Republic of Kazakhstan in time, specified in this decision. Execution of the judgment about expulsion from the Republic of Kazakhstan is in that case made by controlled independent departure of the expelled person or exclusion of person from the Republic of Kazakhstan. If person on whom the decision on expulsion is made does not leave the territory of the Republic of Kazakhstan in the time specified in the decision, it is subject from the sanction of the prosecutor to detention and expulsion forcibly. Detention is allowed at the same time for the term necessary for expulsion. Its content is made in special facilities of law-enforcement bodies according to the procedure, determined by the Government of the Republic of Kazakhstan.

The law-enforcement bodies performing execution of the judgment about expulsion forcibly at check points through Frontier of the Republic of Kazakhstan make transfer of the expelled foreigner or stateless person to the

Border service of Committee of homeland security of the Republic of Kazakhstan for official transfer of the foreigner or the stateless person to the public agent of foreign state on whose territory the specified person is expelled.

## **Section V. Final provisions**

### **Article 29. Operation of this Law concerning stateless persons**

Provisions of this Law extend to persons without citizenship if other is not established by legal acts of the Republic of Kazakhstan.

### **Article 30. Restrictions of coverage of this Law**

The situation of this Law is not affected by the privileges established by the legislation of the Republic of Kazakhstan and international treaties of the Republic of Kazakhstan and immunities of Chapters and staff of foreign diplomatic and consular representations.

### **Article 31. Procedure for entry into force of this Law**

This Law becomes effective from the date of publication.

President of the Republic of Kazakhstan

N. Nazarbayev