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**LAW of the KYRGYZ REPUBLIC
ON THE EXTERNAL MIGRATION**

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*The present law shall govern legal relations in the field of external
migration and determine the legal basis for the external migration in the Kyrgyz
Republic.*

SECTION 1. General Provisions

Article 1. Main definitions used in the present Law

Administrative removal is a forcible and controlled removal of foreign nationals and stateless persons from the territory of the Kyrgyz Republic on the grounds determined by the Kyrgyz legislation.

Residence permit is a document granting the right for a permanent or temporary residence in the Kyrgyz Republic to foreign nationals or stateless persons.

Visa is a stamp in a passport or another travel document of a foreign national or a stateless person, which grants the right to enter the Kyrgyz Republic, stay in its territory and exit from the Kyrgyz Republic, and is recognized by the Kyrgyz Republic.

External migration is a movement of individuals into the territory of the Kyrgyz Republic or from the Kyrgyz Republic.

Legal representatives are parents, adopters, guardians and trustees, as well as representatives of organizations and persons taking charge of a person concerned.

Immigrant is a foreign national or a stateless person legally entering the Kyrgyz Republic for the purpose of a permanent residence.

Immigration is an entry of foreign nationals or stateless persons into the Kyrgyz Republic for the purpose of a permanent residence.

Foreign national is a person, who is not a Kyrgyz national and who has a proof of his citizenship of any foreign state.

Stateless person is a person having no Kyrgyz nationality and any proofs of nationality of another foreign state.

Migration is a movement of individuals from the Kyrgyz Republic to other states or from other states to the Kyrgyz Republic due to various reasons, as well as movements within the territory of the Kyrgyz Republic for the purpose of a permanent or temporary change of a place of residence.

Transit migration is a movement of foreign nationals or stateless persons to the territory of another state through the territory of the Kyrgyz Republic.

Labor migration is a voluntary and legal movement of individuals, permanently residing on the territory of the Kyrgyz Republic, from the Kyrgyz Republic, as well as foreign nationals or stateless persons, permanently residing outside the Kyrgyz

Republic, to its territory for the purpose of a temporary or permanent paid employment.

Emigration is a movement of Kyrgyz nationals from the Kyrgyz Republic for a permanent residence into the territory of another state

Emigrant is a Kyrgyz national moving from the Kyrgyz Republic to the territory of another state for a permanent residence

Article 2. Primary objectives of the present Law

The primary objectives of the present Law shall be as follows:

- management of the external migration processes in the Kyrgyz Republic;
- ensuring the protection of rights and legal interests of migrants;
- warning and prevention of irregular migration;
- stabilization of migration in the Kyrgyz Republic.

Article 3. Legislative acts governing the external migration related issues

In the Kyrgyz Republic the external migration processes shall be governed by the Constitution of the Kyrgyz Republic, the present Law and other normative and legal acts of the Kyrgyz Republic, as well as international treaties, to which the Kyrgyz Republic is a signatory.

The present Law shall not be applicable to the persons, who were issued the refugee status or to the asylum-seekers, applying for the refugee status.

Article 4. Primary principles of managing the external migration in the Kyrgyz Republic

The external migration management shall be based on the following principles:

- ensuring the human rights for free choice of the place of residence, freedom of labor, free choice of profession and freedom of movement, provided by the Constitution of the Kyrgyz Republic;
- inadmissibility of any discrimination, infringement upon the rights and freedoms with regard as to ethnic origin, sex, race, nationality, language, religion, political or religious beliefs or any other reasons ;
- ensuring consistency between the legislation of the Kyrgyz Republic and the universally acknowledged international norms, as well as the international treaties in the field of external migration, to which the Kyrgyz Republic is a signatory;

- prevention of spontaneous and unregulated migration through the program activities based on the forecast of potential migration and direction of migratory flows against the changes in socio-economic and socio-political situation;
- involvement of relevant state agencies in the external migration management;
- respect and observance of the legislation of the Kyrgyz Republic by migrants.

Article 5. Authorized state agencies.

In the Kyrgyz Republic the authorized state agencies responsible for the external migration shall be: the State Agency for Migration and Demography under the Government of the Kyrgyz Republic, the Ministry of Interior of the Kyrgyz Republic, the Ministry of Foreign Affairs of the Kyrgyz Republic, the Ministry of National Security of the Kyrgyz Republic and the Ministry of Defense of the Kyrgyz Republic.

The control over the implementation of the present Law requirements shall be performed by the above-mentioned state agencies within their mandates, determined by the legislation of the Kyrgyz Republic.

SECTION II. Entry of Foreign Nationals and Stateless Persons in the Kyrgyz Republic and Their Stay in Its Territory

Chapter 1. Primary requirements to the entry and stay of foreign nationals and stateless persons in the Kyrgyz Republic

Article 6. Permission for the entry of foreign nationals or stateless persons to the Kyrgyz Republic, stay in the Kyrgyz Republic and exit from the Kyrgyz Republic

A foreign national or a stateless person may enter the Kyrgyz Republic on the grounds of entry visa to the Kyrgyz Republic, except for the cases envisaged in the second part of the article 7 of the present Law, unless otherwise provided by the international treaties, to which the Kyrgyz Republic is a signatory.

The entry and stay of foreign nationals or stateless persons arriving in the Kyrgyz Republic for a permanent or temporary residence shall be granted on the grounds of visa and temporary or permanent residence permits issued in conformity with the procedures of the Kyrgyz Republic.

Upon the arrival to the destination point in the Kyrgyz Republic foreign nationals or stateless persons shall register within five days on the grounds of issued visas and as established by the present Law, unless otherwise provided by the international treaties, to which the Kyrgyz Republic is a signatory.

To take up the employment in the Kyrgyz Republic foreign nationals or stateless persons shall have an authorization for the employment in conformity with the legislation of the Kyrgyz Republic.

A foreign national or a stateless person staying in the Kyrgyz Republic may apply for the extension of a visa, residence permit and employment authorization.

Foreign nationals or stateless persons shall depart from the Kyrgyz Republic upon the expiry of a visa or residence permit due to the shortening of the period of stay or revocation of a residence permit.

Article 7. Entry of foreign nationals or stateless persons to the Kyrgyz Republic

Foreign nationals or stateless persons shall enter the Kyrgyz Republic through the ports of entry at the state border at the transnational infrastructures in possession of valid visas and passports or other travel documents, unless otherwise provided by the present Law.

The entry of a foreign national or a stateless person into the Kyrgyz Republic shall be refused on the following grounds:

- 1) absence of a valid visa, passport or other travel documents;
- 2) in the interests of ensuring the state security or protecting the public order;
- 3) if it presents a threat to the health or protection of rights and legal interests of the Kyrgyz nationals and other persons, residing in the Kyrgyz Republic;
- 4) if during their previous visit they were found to breach the Kyrgyz legislation;
- 5) if they communicated false information or presented fraudulent documents when applying for the entry into the Kyrgyz Republic;
- 6) on other grounds established by the legislation of the Kyrgyz Republic

The refusal of entry of applicants, who are in possession of a visa, shall be communicated to the applicant in writing by the official of the authorized state agency, which rendered a denial decision, and shall list the grounds for refusal. The refusal of entry may be appealed in the order, established by the Kyrgyz legislation.

Upon entry to the Kyrgyz Republic a foreign national or a stateless person shall be subjected to the immigration control. The Statute on the immigration control shall be approved by the Government of the Kyrgyz Republic.

The procedural requirements for crossing the state border of the Kyrgyz Republic shall be governed by the present Law, the Law of the Kyrgyz Republic "On the state border" and by the international agreements, to which the Kyrgyz Republic is a signatory.

Article 8. Registration of foreign or and stateless persons.

Foreign nationals and stateless persons, arriving to the Kyrgyz Republic for a period exceeding five working days, shall be subjected to the registration according to the place of arrival - with the Ministry of Foreign Affairs and its territorial

agencies, Ministry of Interior and its territorial agencies and hotels in conformity with the present Law, except for the cases envisaged by the part two of this article.

The following holders of foreign passports shall be exempted from the registration:

- 1) heads of the states and governments of the foreign countries, members of the state, parliamentary and government delegations that arrived to the Kyrgyz Republic at the invitation of the President, Jogorku Kenesh/Parliament and the Government of the Kyrgyz Republic, as well as the administrative and support staff of these delegations and family members of enlisted persons;
- 2) crew-members of the foreign military aircrafts that arrived to the Kyrgyz Republic in conformity with the established procedures. Movement of crew-members of military aircrafts shall take place in conformity with the admission plan for the arrived military aircrafts;
- 3) crew-members of the civil aircrafts of the international airlines-during their presence in the airports, listed in the air traffic schedule.

Article 9. Registration with the Ministry of Foreign Affairs

The following foreign nationals, enjoying the special international immunity and whose special status is recognized by the Kyrgyz Republic, shall register with the Ministry of Foreign Affairs of the Kyrgyz Republic:

- 1) heads of foreign diplomatic missions and consulates, accredited in the Kyrgyz Republic, members of diplomatic corps, consular officers, administrative and support staff of the diplomatic or consular missions, as well as members of their families and guests of the diplomatic and consular missions, provided that they stay on the territory of enlisted missions and institutions;
- 2) staff of the government agencies of foreign states and members of their families, arriving to the Kyrgyz Republic on official visits and holding diplomatic or official passports;
- 3) officials of the international organizations, who arrived to the Kyrgyz Republic for the official travel, employees of the missions of mentioned organizations in the Kyrgyz Republic, as well as of the representatives of the countries in the international organizations headquartered in the Kyrgyz Republic and members of their families, who in conformity with the Statutes of these organizations or relevant international treaties enjoy diplomatic privileges and immunities.

The Ministry of Foreign Affairs of the Kyrgyz Republic shall issue accreditation cards or do the registration directly in the passports, by entering a special note in the passports, to the enlisted persons.

If necessary, the Ministry of Foreign Affairs of the Kyrgyz Republic shall register the passports of the state and public figures of the foreign countries and members of their families, who arrived to the Kyrgyz Republic at the request of the diplomatic or consular missions, as well as international organizations or other host organizations.

Article 10. Registration with the bodies of interior.

Bodies of interior shall register foreign passports of the foreign nationals and stateless persons in conformity with the visas, who are not mentioned in the articles 8, 9 of the present Law. The registration shall be implemented on the grounds of the written letters from the host organizations and permanent foreign missions in the Kyrgyz Republic. The letters shall be presented to the bodies of interior not later than five days after the foreign nationals or stateless persons submit foreign passports to a host organization or a diplomatic mission for the registration.

Article 11. Registration in the hotels

Foreign passports of all foreign nationals or stateless persons accommodated in the hotels shall be subjected to the registration, irrespective of the purpose of the visit and period of stay in the Kyrgyz Republic. The registration shall be implemented at the personal requests of these nationals or written letters from the host organizations or diplomatic missions in the Kyrgyz Republic. The registration of foreign passports shall be valid for a period, indicated in the requests, tour papers and letters. The registration of persons, who arrived in Kyrgyz Republic on the basis of visas, shall be valid for a visa period.

Article 12. Extension of the registration

The registration of foreign nationals shall be extended after the extension of a visa or a residence permit for the Kyrgyz Republic.

Article 13. Visa issuance

Outside the Kyrgyz Republic the entry Kyrgyz visas for foreign nationals and stateless persons shall be issued by the diplomatic or consular missions of the Kyrgyz Republic or, in the absence of any, - by the specially authorized missions of other countries in conformity with the article 14 of the present Law.

On the territory of the Kyrgyz Republic the Ministry of Foreign Affairs, as well as the Ministry of Interior shall issue visas.

The categories and types of visas, as well as the order of their legalization and issuance shall be determined by the Government of the Kyrgyz Republic.

Article 14. Grounds for the issuance and extension of a visa

The grounds for the issuance and extension of entry visas shall be:

- for foreign nationals or stateless persons entering the Kyrgyz Republic on official and business trips – a written application of the host organizations with all necessary documents confirming official or business nature of a trip;
- for foreign nationals or stateless persons entering the Kyrgyz Republic with the purpose of an employment – an authorization of the State Agency for Migration and Demography under the Government of the Kyrgyz Republic, granting the right for an employment in the territory of the Kyrgyz Republic;
- for foreign nationals and stateless persons entering the Kyrgyz Republic on private trips – an authorization of the bodies of Interior issued on the basis of an application from private persons;
- for foreign nationals and stateless persons arriving to the Kyrgyz Republic for the purpose of a permanent residence – a decision of the State Agency for Migration and Demography under the Government of the Kyrgyz Republic, granting an immigrant status;
- for foreign nationals or stateless persons transiting through the territory of the Kyrgyz Republic – a personal application with a travel document and visa of the destination country attached;
- for foreign nationals or stateless persons arriving to the Kyrgyz Republic for tourism – a personal application or a written letter from the host travel companies.

Article 15. Residence permit

Foreign nationals or stateless persons arriving to the Kyrgyz Republic may apply for the residence permit. The residence permits shall be temporary and permanent.

Foreign nationals or stateless persons arriving to the Kyrgyz Republic for a period exceeding six months shall be issued a temporary residence permit in conformity with the present Law.

Foreign nationals or stateless persons, who were issued an immigrant status in conformity with the present Law, shall be issued a permanent residence permit in conformity with the present Law.

The Government of the Kyrgyz Republic shall establish the procedural requirements for a residence permit issuance.

In the Kyrgyz Republic the Ministry of Interior shall issue residence permits.

Temporary or permanent residence permits shall be the identification documents of a foreign national or a stateless person during his stay on the territory of the Kyrgyz Republic.

A temporary or a permanent residence permit along with the passport shall give the right to the multiple crossing of the state border without a need for a Kyrgyz visa.

Article 16. Grounds for refusing a visa and residence permit issuance.

A visa and residence permit shall not be issued to a foreign national or a stateless person, if an applicant:

- 1) presents a danger to the protection of health, rights and legal interests of Kyrgyz nationals and other persons residing in the Kyrgyz Republic;
- 2) communicated false information in an application for a visa, residence permit or an employment authorization;
- 3) does not observe the procedural requirements for the issuance of a visa and residence permit established by the Kyrgyz Republic;
- 4) is involved in activities posing a danger to the security of the Kyrgyz Republic;
- 5) is a person, against whom the criminal proceedings were instituted in the Kyrgyz Republic, – till the end of the proceedings;
- 6) is convicted for committing a crime in the Kyrgyz Republic – till the sentence is served or release from the sentence
- 7) suffers from a disease, the nature, heaviness and potential length of which may pose a danger to the health of other persons or may require a special supervision of health institutions and which is included in the list of diseases approved by the Ministry of Health of the Kyrgyz Republic;
- 8) is not able to sustain himself or his dependants, unless a Kyrgyz national takes a responsibility for supporting him;
- 9) applies for the second time for a visa or a residence permit before the expiration of one year after the moment his entry visa or residence permit in the Kyrgyz Republic was denied;
- 10) was a subject to the administrative removal from the Kyrgyz Republic – till five years expire after the moment that the decision on his removal was made;
- 11) stays illegally in the Kyrgyz Republic or assisted another foreign national or stateless person to illegally enter the territory of the Kyrgyz Republic.
- 12) is a member of terrorist organizations.

The decision to refuse a visa or a residence permit issuance shall be communicated to the applicant in writing within three days after decision was rendered. The decision to refuse a visa or a residence permit issuance shall be issued to the applicant in writing upon his request.

Article 17. Revocation of a visa or a residence permit

The grounds for revoking a visa or a residence permit shall be the cases, when a foreign national or a stateless person:

- 1) communicated false information when applying for a visa, residence permit or employment authorization;
- 2) is involved in the activities, posing a danger to the security of the Kyrgyz Republic;

- 3) has a sham marriage with a national of the Kyrgyz Republic or a foreign national or a stateless person with a permanent residence permit with a goal to receive a permanent residence permit;
- 4) suspended a study in the Kyrgyz Republic, which was a ground for the residence permit issuance;
- 5) suspended an employment, which was a ground for the residence permit issuance;
- 6) divorced a Kyrgyz national or other person having a permanent residence permit for five years and if there are no children or the court made a decision to give a custody to a parent, who is a national or a permanent resident of the Kyrgyz Republic;

Article 18. Reduction of the period of stay of foreign nationals and stateless persons in the Kyrgyz Republic

The time frame prescribed for the stay of a foreign national or a stateless person in the Kyrgyz Republic shall be reduced if a foreign national or a stateless person breached the legislation on the legal status of the foreign nationals or stateless persons and order of their residence.

The decision on reducing the period of stay shall be rendered by a body, which issued a visa or a residence permit.

Article 19. Order to depart from the Kyrgyz Republic and administrative removal from the Kyrgyz Republic

The bodies of interior and national security shall issue an order to depart from the Kyrgyz Republic to a foreign national or a stateless person, whose visa or residence permit had been expired or revoked. A foreign national shall depart from the territory of the Kyrgyz Republic within the time prescribed in the departure order.

In the event of non-compliance with the departure order a foreign national or a stateless person shall be subjected to the administrative removal from the Kyrgyz Republic.

A foreign national or a stateless person may be subjected to the administrative removal, if:

- 1) their actions conflict with the interests of ensuring the state security or protecting the public order;
- 2) it is necessary for protecting health and morality of the population and protecting right and legal interests of the Kyrgyz nationals and other persons;
- 3) they have repeatedly rudely breached the Kyrgyz legislation but there are no grounds for criminal sanctions.

Documents on the administrative removal shall be prepared by the bodies of interior and national security.

The administrative removal of foreign nationals or stateless persons from the Kyrgyz Republic as a measure for an administrative sanction shall be established and prescribed by the court (judge).

Along with the departure order or the administrative removal the Ministry of Interior of the Kyrgyz Republic or the Ministry of National Security of the Kyrgyz Republic may impose a temporary or a permanent restriction to enter the Kyrgyz Republic, where the notification of the Ministry of Foreign Affairs of the Kyrgyz Republic is mandatory.

The administrative removal of foreign nationals or stateless persons from the Kyrgyz Republic shall be implemented by the bodies of interior or national security under a court decision.

The financial expenses involved in the administrative removal shall be covered at the expense of:

- a) foreign nationals and stateless persons who are subjects to the removal;
- b) host organizations or individuals;
- c) budget funds – in the exceptional cases.

Article 20. Travel in the Kyrgyz Republic.

Foreign nationals shall have a freedom of movement on the territory of the Kyrgyz Republic open for a visit of foreign nationals.

In the areas, closed for a visit of foreign nationals, the entry and travel shall be authorized by the bodies of interior.

Article 21. The requirements for the movement of foreign nationals or stateless persons

The Ministry of Foreign Affairs shall determine the requirements for the movement of foreign nationals or stateless persons, whose foreign or other travel documents were registered in Ministry of Foreign Affairs of the Kyrgyz Republic and its missions.

These requirements shall also apply to the employees of the airlines, banks, trade companies and other foreign missions permanently accredited in the Kyrgyz Republic.

The requirements for the movement of foreign correspondents and journalists, accredited in the Ministry of Foreign Affairs of the Kyrgyz republic, as well as members of their families shall be determined in conformity with the legislation of the Kyrgyz Republic.

Article 22. Travel documents.

Foreign nationals or stateless persons being present in the Kyrgyz Republic shall have a valid passport or other identification documents.

In the event of a loss of the passport or another travel document, a foreign national or a stateless person shall immediately notify the nearest office of interior or a diplomatic or a consular mission of a state of his nationality and receive a written confirmation of the fact of loss.

Article 23. Transit travel

Foreign nationals and stateless persons shall transit through the territory of the Kyrgyz Republic in conformity with the Rules on Transit Through the Territory of the Kyrgyz Republic approved by the Government of the Kyrgyz Republic and by the international treaties, to which the Kyrgyz Republic is a signatory.

Foreign nationals transiting through the territory of the Kyrgyz Republic shall follow the transit travel rules and head to the nearest port of entry by the shortest itinerary and may exceed the prescribed time frame in the territory of the Kyrgyz Republic provided that they have an authorization, issued by the authorized state agencies, unless otherwise provided by the international treaties, to which the Kyrgyz Republic is a signatory.

Article 24. Requirements for the entry, movement and exit of foreign nationals or stateless persons on private and official transport vehicles

The Government of the Kyrgyz Republic shall determine the requirements for the entry, movement and exit of foreign nationals or stateless persons on private and official transport vehicles

The transport vehicles, brought in by the foreign nationals and stateless persons with a prescribed condition of their removal shall be the subject to removal upon the expiry of a prescribed time frame and can not be transferred to other people under the power of attorney in territory of the Kyrgyz Republic.

A transport vehicle transferred to another person under the power of attorney in violation of the second paragraph of this article shall be withdrawn for the benefit of the state in conformity with a court decision.

Article 25. Liabilities of individuals and sponsor organizations, who invited foreign nationals and stateless persons

Individuals and sponsor organizations that invited foreign nationals and stateless persons to the Kyrgyz Republic shall explain them their rights and obligations, envisaged by the Kyrgyz legislation, in a timely fashion, as well as take measures for their timely registration and issuance of the documents, granting the right to stay and travel in the Kyrgyz Republic and exit from its territory upon the expiry of a stay period

The financial support and health of foreign nationals and stateless persons shall be the responsibility of the inviting party, unless the parties made other written agreements.

Chapter II. Entry of foreign nationals or stateless persons into the Kyrgyz Republic for a temporary residence

Article 26. A temporary residence permit

A temporary residence permit shall be issued to a foreign national or a stateless person, who arrived to the Kyrgyz Republic for a period exceeding six months and who have a legal source for sustaining themselves in the Kyrgyz Republic:

- 1) to work under an employment contract and an employment authorization;
- 2) to study in the educational institution under an application from the educational institution;
- 3) to make investments on the territory of the Kyrgyz Republic;

A temporary residence permit may be issued to a foreign national or a stateless person:

- 1) for a period not exceeding one year with a subsequent annual extension within the period not exceeding five years;
- 2) for a period determined by a labor contract or envisaged for other activities, including the training schedule or the plan of cooperation in the field of science.

A temporary residence permit may as well be issued to the members of families of persons listed above.

Article 27. The requirements for effecting employment by foreign nationals and stateless persons

The requirements for the employment of foreign nationals or stateless persons in the Kyrgyz Republic shall be determined by the Government of the Kyrgyz Republic.

The recruitment of foreign labor in the Kyrgyz Republic shall be carried out on the grounds of employment authorizations issued by the State Agency for Migration and Demography under the Government of the Kyrgyz Republic in conformity with the legislation of the Kyrgyz Republic.

In labor migration management the priority shall be accorded to the protection of a domestic labor market.

Article 28. Quota for the labor migration.

The labor migration quota shall determine a maximum number of foreign nationals and stateless persons arriving to the Kyrgyz Republic for the employment purposes.

The labor migration quota shall be annually determined by the Government of the Kyrgyz Republic four months prior the beginning of each calendar year and shall be approved by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

The labor migration quota for legal entities and individuals having the goal to invite labor migrants to the Kyrgyz Republic shall be determined by the State Agency for Migration and Demography under the Government of the Kyrgyz Republic according to the annual labor migration quota.

Article 29. Conditions of stay of foreign nationals and stateless persons, who arrived to the Kyrgyz Republic for labor migration reasons

Foreign nationals and stateless persons who arrived to the Kyrgyz Republic for labor migration not related to the alteration of their nationality shall have a place permanent residence outside the Kyrgyz Republic.

Foreign nationals and stateless persons who arrived the Kyrgyz Republic and took up an employment without a relevant authorization issued by an authorized state agency shall be subjected to the administrative removal from the Kyrgyz republic in conformity with the legislation of the Kyrgyz Republic.

Chapter III. Immigration

Article 30. Immigration quota

With a goal to manage the immigration in the Kyrgyz Republic at the national level an annual immigration quota shall be determined for determining a maximum number for the immigration.

The immigration quota shall be determined by the Government of the Kyrgyz Republic four months prior the beginning of each calendar year and approved by the Jogorku Kenesh (Parliament) of the Kyrgyz Republic.

Article 31. Granting an immigrant status

Foreign nationals and stateless persons, temporarily residing in the Kyrgyz Republic and wishing to receive an immigrant status in the Kyrgyz Republic, shall apply to the Ministry of Interior of the Kyrgyz Republic for its subsequent referral to the State Agency for Migration and Demography under the Government of the Kyrgyz Republic and its territorial agencies.

Foreign nationals or stateless persons, residing outside the Kyrgyz Republic and wishing to arrive to the Kyrgyz Republic for a permanent residence, shall apply for an immigrant status to the diplomatic or a consular mission of the Kyrgyz Republic in the foreign countries personally or through an authorized representative. This application shall be then send through the Ministry of Foreign Affairs to the

Ministry of Interior for consideration and subsequent referral to the State Agency for Migration and Demography under the Government of the Kyrgyz Republic.

Any abled person, who reached the age of 18 years, shall have a right to apply for immigration in the Kyrgyz Republic.

The State Agency for Migration and Demography under the Government of the Kyrgyz Republic shall consider the applications for granting the immigrant status and render decisions in conformity with the immigration quota and as established by the Government of the Kyrgyz Republic.

The time frame for the consideration of the application for an immigrant status shall not exceed one year.

Decisions on granting the immigrant status rendered by the State Agency for Migration and Demography under the Government of the Kyrgyz Republic may be appealed in the court.

To receive an immigrant status foreign nationals or stateless persons shall have a stable income source, enabling them to meet their (and their family members) needs, the money equivalent of which shall be determined by the Government of the Kyrgyz Republic.

In the event of a lack of sufficient financial resources the applicant and his family members shall have a guarantee of the employment or the financial support that shall not be less than a living standard established in the Kyrgyz Republic.

Article 32. Application procedures for the immigration

The following documents, certified by a notary, shall be attached to the application for the immigration:

- copy of a passport or another identification document;
- copy of a birth certificate or another substituting document;
- document, certifying the number of family members, and copy of a marriage certificate;
- document, certifying the stable legal income source, ensuring a minimum living standard for him and his family members;
- certificate on a medical examination.

In addition to the above listed documents, the following documents shall be attached to the application:

- for the individuals, enlisted in the paragraph 1, part 2, article 33 of the present Law - a document, certifying the nationality of one of the parents;
- for the individuals, enlisted in the paragraphs 2, 3, part 2 article 33 of the present Law - a letter of invitation sent by a relative, who is a national of the Kyrgyz Republic and a document certifying blood relations;
- for the individuals, enlisted in paragraph 3, part 2, article 33 of the present Law - if they accompany the applicant – the application of the latter on granting the immigrant status and if they move to the immigrant for a residence – the invitation of the latter;

- for the individuals, enlisted in paragraphs 4 and 5, part 2, article 33 of the present Law - documents certifying the fact of guardianship or trusteeship;
- for individuals, mentioned in paragraph 6, part 2, article 33 of the present Law - documents, certifying the specialization (profession).

If parents-immigrants move with their minor children aged 14-18 a written agreement of minors for the immigration shall be required.

If only one parent, accompanied by minors under 18 years, moves to the Kyrgyz Republic, he shall present an application of another spouse, certified by a notary, that he/she agrees with the fact of the children living with a parent-immigrant. If there is no such agreement the parent-immigrant shall present the court decision on giving the custody of children to this parent.

If necessary, the Ministry of Interior and the State Agency for Migration and Demography under the Government of the Kyrgyz Republic shall have the right to require additional documents from the applicant.

Article 33. Persons enjoying the preferential rights for the immigrant status

The following foreign nationals and stateless persons shall enjoy the preferential rights for receiving an immigrant status:

- 1) Kyrgyz by origin, i.e. nationals or stateless persons of another state, one of whose parents is Kyrgyz;
- 2) Parents of a Kyrgyz national, his spouse, his children under 18 or disabled adults of full age;
- 3) Parents, a spouse of an immigrant, his children under 18 or disabled adults of full age;
- 4) Persons under the guardianship or trusteeship of a Kyrgyz national;
- 5) Persons, who are guardians to a Kyrgyz national;
- 6) Well-known scientists, cultural workers and other persons with intention and opportunities to contribute significantly to social, economic and cultural development of the Kyrgyz Republic, as well as highly qualified specialists needed for the Kyrgyz economy;

Article 34. Grounds for denying the immigrant status

A foreign national or a stateless person may not be granted an immigrant status, if an applicant:

- 1) poses a danger to health, protection of rights and legal interests of the Kyrgyz Republic nationals and other persons residing in the Kyrgyz Republic;
- 2) communicated false information in the application for a visa, residence permit or employment authorization;
- 3) does not follow the procedural requirements for receiving a visa and residence permit established by the Kyrgyz legislation;
- 4) is involved in activities posing a danger to the security of the Kyrgyz Republic;

- 5) is a person, against whom criminal proceedings were instituted in the Kyrgyz Republic – till the end of proceedings;
- 6) is convicted for committing a crime in the Kyrgyz Republic – till the sentence is served or release from the sentence;
- 7) suffers from a disease, the nature, heaviness and potential length of which may pose a threat to the health of other persons or require a special supervision of the health institutions, and which is included in the list of diseases approved by the Ministry of Health of the Kyrgyz Republic;
- 8) is not able to sustain himself and his dependants, unless a Kyrgyz national takes a responsibility for supporting him;
- 9) applies for the second time for a visa or a residence permit before the expiration of one year after his entry visa or residence permit in the Kyrgyz Republic was denied;
- 10) was a subject to the administrative removal from the Kyrgyz Republic – till the expiry of five years after decision on his administrative removal was rendered;
- 11) stays illegally in the Kyrgyz Republic or assisted another foreign national or stateless person to illegally enter the territory of the Kyrgyz Republic.

The decision to refuse the immigrant status shall be communicated to the applicant within three days after a decision is rendered. The decision to refuse the immigrant status shall be communicated to the applicant in writing upon his request.

Article 35. Permanent residence permit

A permanent residence permit shall be issued by the Ministry of Interior of the Kyrgyz Republic and its territorial agencies to a foreign national or a stateless person, who was issued an immigrant status in conformity with the present Law.

Article 36. Rights and obligations of an immigrant

Rights and obligations of an immigrant shall be those, envisaged by the Law of the Kyrgyz Republic “On Legal Status of Foreign Nationals in the Kyrgyz Republic”, the present Law and other normative and legal acts of the Kyrgyz Republic, as well as international treaties, to which the Kyrgyz Republic is a signatory.

Article 37. Reconsideration of a renewed application for the immigration

A foreign national or a stateless person, whose application for immigration to the Kyrgyz Republic was refused, shall have the right to renew the application for the immigration.

A renewed application for the immigration shall be accepted not earlier than one year after a previous decision was rendered.

Article 38. The State Immigration Fund.

With a goal provide support to the immigrants the Immigration fund shall be established under the State Agency on Migration and Demography of the Kyrgyz Republic. The fund shall be established on the basis of:

- 1) funds of the cultural centers, voluntary contributions of enterprises, organizations and unions of entrepreneurs, donations, including in foreign currency, by of foreign and national organizations and individuals;
- 2) housing, provided by the state in a centralized fashion through the local governments, as well as purchased by the local governments from people, moving from the Kyrgyz Republic, on the basis of contracts;
- 3) goods and financial resources, ear-marked by the states, whose nationals are immigrating to the Kyrgyz Republic.

The procedural requirements for the establishing and using the Immigration Fund shall be determined in conformity with the legislation of the Kyrgyz Republic under the recommendation of the State Agency for Migration and Demography.

SECTION III. Exit of Kyrgyz nationals from the Kyrgyz Republic and entry of the Kyrgyz national into the Kyrgyz Republic

Chapter 1. Primary requirements to the exit of Kyrgyz nationals from the Kyrgyz Republic and entry to the Kyrgyz Republic

Article 39. Principles and procedures of the exit of Kyrgyz national from the Kyrgyz Republic and entry of Kyrgyz nationals to the Kyrgyz Republic

Each national of the Kyrgyz Republic shall have the right to exit from the Kyrgyz Republic and enter the Kyrgyz Republic. A Kyrgyz national shall not be deprived of the right to exit from the Kyrgyz Republic. Temporary restrictions may be imposed on the exit from the Kyrgyz Republic in conformity with the article 46 of the present Law.

A Kyrgyz national shall not be deprived of the right to enter the Kyrgyz Republic.

Kyrgyz nationals shall exit from the Kyrgyz Republic through the ports of entry at the state border at the transnational infrastructures in possession of valid passports and visas, unless otherwise provided by the other normative and legal acts of the Kyrgyz Republic or the international treaties, to which the Kyrgyz Republic is a signatory.

Article 40. Exit of minors

Nationals of the Kyrgyz Republic under 18 can exit from the Kyrgyz Republic under the application of legal representatives, certified by a notary. If there is no agreement of legal representatives the exit of minors shall be authorized by the court decision.

The exit of minors aged 14-18 years from the Kyrgyz Republic for a permanent residence shall be effected only if there is their written agreement, certified by a notary.

Article 41. Exit of disabled persons from the Kyrgyz Republic

The exit of Kyrgyz nationals, recognized as disabled by a court decision, from the Kyrgyz Republic authorized on the basis of an application of their legal representatives, certified by a notary or a court decision.

Article 42. Documents granting the right to exit from the Kyrgyz Republic and enter the Kyrgyz Republic.

Documents, granting the right to exit from the Kyrgyz Republic and enter the Kyrgyz Republic and identification documents of the Kyrgyz nationals during their stay outside the Kyrgyz Republic shall be as follows:

- 1) Passport of the national of the Kyrgyz Republic;
- 2) Diplomatic passport;
- 3) Official passport;
- 4) certificate for return.

The Statute on the enlisted documents shall be approved by the Government of the Kyrgyz Republic.

These documents shall be the property of the Kyrgyz Republic and shall be valid for travel to all countries of the world, if properly issued.

If a Kyrgyz national lost the documents, enlisted in part 1 of this article, the document, granting the right to enter the Kyrgyz Republic, shall be identification document for return to the Kyrgyz Republic, issued by the diplomatic or consular missions of the Kyrgyz Republic in the foreign countries. The statute on the document for return shall be approved by the Government of the Kyrgyz Republic.

Under the circumstances, envisaged by the international treaties, to which the Kyrgyz Republic is a signatory, other documents could be used for exit to foreign countries than those, enlisted in part one of this article.

Article 43. The procedure of issuing travel documents to the Kyrgyz nationals for the exit from the Kyrgyz Republic

1. Kyrgyz national passports for the exit from the Kyrgyz Republic shall be issued to:

- Kyrgyz nationals permanently residing in the Kyrgyz Republic and who reached the age of 18 – on the basis of a personal application to the bodies of interior and the Ministry of Foreign Affairs.
- Kyrgyz nationals permanently residing in the foreign countries and who reached the age of 18 – on the basis of a personal application to the diplomatic or consular missions of the Kyrgyz Republic in the foreign countries;

In the exceptional cases, under requests of a state, where a Kyrgyz national is exiting or an international organization looking for his participation its activities the passport may be issued to a national under the age of 18.

Individuals, applying for a passport issuance, shall inform about the purpose of the travel, personal data, information on a family status and minor children and dependants and a lack of circumstances, restricting in conformity with the present Law the right to exit from the Kyrgyz Republic.

National passports of the Kyrgyz Republic shall be issued for a period to 10 years.

The passport validity shall be extended according to the procedures in the order established for the passport issuance.

On the territory of the Kyrgyz Republic state duties and consular fees shall be collected for the issuance, legalization and extension of a passport for exiting from the Kyrgyz Republic.

If there is a need for an independent travel of a child from the Kyrgyz Republic a national passport shall be issued for a child on the basis of the application of his parents or legal representatives, certified by a notary. The application shall provide the information on a child, as well as lack of circumstances, which in conformity with the present Law, may restrict the right to exit from the Kyrgyz Republic (for children under the age of 16 only).

A national passport for a child of Kyrgyz nationals permanently residing in the Kyrgyz Republic shall be issued by the bodies of interior according to the place of residence and of those residing in the foreign countries – by the diplomatic or consular missions of the Kyrgyz Republic.

A travel document for a child shall be issued for the period of three years or till the age of 18.

Diplomatic or official passports of the Kyrgyz Republic shall be issued to a Kyrgyz national by the consulate of the Ministry of Foreign Affairs of the Kyrgyz Republic in conformity with the established procedures.

Article 44. Rules of passport issuance, their temporary retaining and withdrawal.

The rules of a passport issuance, legalization, their temporary retaining and withdrawal shall be determined by the Government of the Kyrgyz Republic in conformity with the present Law and shall be published.

Article 45. Time frame and procedures for considering travel document.

The time frame for considering the applications of Kyrgyz nationals or their legal representatives for the issuance of the documents for the exit from the Kyrgyz Republic shall not exceed three months if the exit is for a permanent residence and one month for a temporary exit.

A written negative or positive decision on the issuance of the documents for the exit from the Kyrgyz Republic on the grounds, envisaged by the present Law, shall be communicated to the national not later than five days after the decision is rendered.

If the exit from the Kyrgyz Republic relates to the urgent treatment of the exiting national or a serious illness or a death of a close relative residing outside the Kyrgyz Republic the application on the issuance of the document for the exit shall be considered immediately. The applicant shall be notified of the decision not later than three working days after the decision is made.

Article 46. Grounds for imposing temporary restrictions on the rights of the Kyrgyz nationals to exit to the foreign countries.

Temporary restrictions may be imposed on the passport issuance for exiting from the Kyrgyz Republic to a Kyrgyz national, if:

- 1) he is aware of the information, deemed as a state secret - till the expiry of a period, determined by the Kyrgyz legislation;
- 2) there are unsettled alimony, agreement or other unfulfilled obligations – till the fulfillment of the obligations or a dispute settlement through the mutual agreement of the Parties in cases provided by the law or provision of a pledge, unless otherwise provided by the international agreement, to which the Kyrgyz Republic is a signatory;
- 3) criminal proceedings were instituted against an applicant - till the end of the proceedings;
- 4) an applicant was convicted for committing a crime – till the sentence is served or release from the sentence;
- 5) he evades from carrying out obligations, prescribed by a court decision – till the discharge of the obligations;
- 6) he knowingly communicated false information – till the examination of the reasons and consequences of communicating false information;
- 7) he is a subject to a fixed military service – till the delay of the service is addressed;
- 8) civil suit is brought against him – till the end of the proceedings;
- 9) he is recognized by a court verdict as an extremely dangerous recidivist or is under an administrative supervision of the police – till the sentence is served or the supervision stopped.

A passport may be temporarily retained or withdrawn in cases, provided by the paragraphs 1-9, part one of this article or if a passport was used for committing a crime or is fraudulent, as well as when the nationality is suspended. A temporary

retaining or a withdrawal of the passport in such cases shall be executed by the court, prosecutor's office and bodies of interior and security of the Kyrgyz Republic.

Article 47. Grounds for imposing restrictions on the exit of Kyrgyz nationals from the Kyrgyz Republic for security reasons.

In the event of an emergency situation in any foreign state, which makes it impossible to ensure the safety of Kyrgyz nationals, under the recommendation of the Ministry of Foreign Affairs of the Kyrgyz Republic the Government of the Kyrgyz Republic shall make a decision on the special arrangements for the exit of Kyrgyz nationals to the state, in relation to which a decision was made by the Government of the Kyrgyz Republic or shall have a right to impose restrictions on the exit to this state. Restrictions shall be effective till the end of the circumstances, which hinder the exit.

A decision of the Government of the Kyrgyz Republic shall be communicated to the Kyrgyz nationals, intending to exit to the state, on which a decision was made, who shall be informed of the impossibility to ensure the necessary safety of the Kyrgyz nationals due to the emergency situation. This warning shall not prohibit the exit.

Article 48. Procedures for the settlement of disputes

Nationals of the Kyrgyz Republic may appeal the decision to refuse a passport issuance or legalization, or extension, or temporary retaining or withdrawal of the passport in a court.

Refusal of the exit of a Kyrgyz national from the Kyrgyz Republic on the grounds, envisaged by paragraphs 3-5 and 9, part one of the article 46 of the present Law shall not be appealed by the Kyrgyz nationals.

Article 49. Registration of the Kyrgyz nationals in the foreign countries.

Kyrgyz nationals exiting from the Kyrgyz Republic for a period exceeding three months shall register within three days in the diplomatic or consular missions of the Kyrgyz Republic in the state of entry.

If there is no diplomatic or consular mission of the Kyrgyz Republic in the destination country the registration shall be done through electronic or facsimile means of communication in the country of stay.

If there is no diplomatic or consular mission of the Kyrgyz Republic in the country of stay the registration shall be done in specially authorized missions of other states.

Chapter II. Exit of Kyrgyz nationals from the Kyrgyz Republic for a temporary residence

Article 50. Protection of the rights and legal interests of the Kyrgyz nationals outside the the Kyrgyz Republic

Kyrgyz nationals exiting from the Kyrgyz Republic shall have a guarantee of the protection of the Kyrgyz Republic in conformity with the legislation of the Kyrgyz Republic.

Article 51. Effecting the employment by the Kyrgyz nationals outside the Kyrgyz Republic

Kyrgyz nationals, except for those on military service, shall have the right for the employment outside the Kyrgyz Republic.

The procedural requirements for the individuals and legal entities, dealing with the employment of Kyrgyz nationals outside the Kyrgyz Republic, shall be determined by the Government of the Kyrgyz Republic.

Article 52. Exit for official trips

Kyrgyz nationals shall exit from the Kyrgyz Republic on the official trips in conformity with the statute approved by the Government of the Kyrgyz Republic.

Article 53. Exit for private trips

Exit of Kyrgyz nationals from the Kyrgyz Republic for private trips shall be effected in conformity with the present Law and other normative and legal acts of the Kyrgyz Republic.

Chapter III. Emigration

Article 54. Procedural requirements for the exit of Kyrgyz nationals from the Kyrgyz Republic for a permanent residence outside the Kyrgyz Republic.

Kyrgyz nationals exiting from the Kyrgyz Republic for a permanent residence shall hold a relevant visa or permission, issued according to the procedure established by the legislation of the state of entry.

Kyrgyz nationals, who were issued the exit travel documents, shall have the right to move their property into the country, where they are exiting, as well as to keep it on the territory of Kyrgyz Republic. No restrictions shall be imposed on their civil, social, employment, housing and other rights. The removal from the Kyrgyz

Republic of the objects of cultural, historical or other values of the state by the Kyrgyz nationals shall be governed by the Kyrgyz legislation and the international treaties, to which the Kyrgyz Republic is a signatory.

Before exiting from the Kyrgyz Republic for a permanent residence Kyrgyz nationals shall clear the property obligations before the individuals and legal entities that are under the jurisdiction of the Kyrgyz Republic.

Procedures for the entry to the foreign state shall be governed by the legislation of the relevant state of entry, as well as by the international treaties, to which the Kyrgyz Republic is a signatory.

Upon the return to the Kyrgyz Republic for a permanent residence, Kyrgyz nationals, who exited from the Kyrgyz Republic for a permanent residence, shall enjoy all rights guaranteed by the Kyrgyz legislation and carry responsibilities envisaged by the legislation.

Article 55. Non-emigrants

Staff of the Kyrgyz diplomatic and other missions in foreign countries, Kyrgyz nationals temporarily working in foreign countries, military servants, involved in peace-making activities, as well as students, individuals on the medical treatment, tourists traveling under the invitations of organizations or individuals and for the official trips in foreign countries shall not be deemed as emigrants. Other persons, who temporarily moved from the territory of the Kyrgyz Republic, shall also not be deemed as emigrants.

Article 56. Exit of nationals aware of information, which is a state secret, from the Kyrgyz Republic

Exit of a Kyrgyz national, who is aware of the state secret information, from the Kyrgyz Republic shall not be authorized on the grounds, provided by the Law of the Kyrgyz Republic “On Protection of State Secrets of the Kyrgyz Republic”.

Temporary restrictions shall be communicated to the nationals, having an access to the information, which is a state secret, by the administration of an enterprise, agency, organization or an authorized body, head of an educational institution, commander of the military unit when hiring for work (study) or drafting for military service.

Article 57. Expenses involved in the exit of Kyrgyz nationals from the Kyrgyz Republic

Expenses involved in the exit of Kyrgyz nationals from the Kyrgyz Republic for a permanent residence shall be covered by the emigrants' own sources, as well as by other legal sources.

SECTION IV. Liabilities for the breach of the Kyrgyz legislation

Article 58. Grounds for liabilities for the breach of the Kyrgyz legislation

Immigrants, who committed crimes, administrative or other violations on the territory of the Kyrgyz Republic, shall have liabilities, similar to those, established for the Kyrgyz nationals, except for the cases, determined by the international treaties, to which the Kyrgyz Republic is a signatory.

Article 59. Liabilities for the illegal entry to the Kyrgyz Republic

Foreign nationals or stateless persons shall be liable for the illegal entry to the Kyrgyz Republic in conformity with the legislation of the Kyrgyz Republic.

Article 60. Responsibilities for hiring illegal migrants

In the event of the employment, as well as the registration of illegal migrants, i.e. foreign nationals and stateless persons staying on the territory of the Kyrgyz Republic without relevant authorization, materials on employers, irrespective of ownership form, and persons, responsible for the registration, shall be submitted by the competent state agencies to the court in conformity with the Kyrgyz legislation.

Article 61. Liabilities of individuals and legal entities, who invited foreign nationals and stateless persons.

In the event of non-compliance with the article 25 of the present Law individuals and legal entities that invited foreign nationals and stateless persons to the Kyrgyz Republic, shall be liable in conformity with the Kyrgyz legislation.

Article 62. Liabilities for violating the requirements for stay and transit travel

Foreign nationals or stateless persons for the violation of the stay and transit requirements, i.e. stay without the documents granting the right for a residence or stay under fraudulent documents, violation of the registration procedures or travel or choice of the place of residence, evasion failure to exit upon the expiry of prescribed period of stay, as well as violation of transit travel rules shall be liable in conformity with the Kyrgyz legislation.

The issue of liability of individuals, enjoying privileges and immunities in conformity with the Kyrgyz legislation and international instruments shall be settled diplomatically.

Article 63. Career liability

The authorized state agencies shall ensure the exit of foreign nationals or stateless persons that arrived to the Kyrgyz Republic without a relevant authorization at the expenses of foreign nationals or stateless persons and if fail to cover the travel costs – at the expenses of carrier.

If a foreign national or a stateless person, whose entry to the Kyrgyz Republic was refused, fails to depart immediately, the authorized state agencies of the Kyrgyz Republic shall prescribe conditions for their stay before the exit.

Expenses involved in the stay of foreign nationals or stateless persons, enlisted in part two of this article, and in the event of their entry in conformity with the part 2 article 6 of the present Law the expenses shall be covered by the carrier.

The carrier, who brought a foreign national or a stateless person to the Kyrgyz Republic who does not follow the conditions of entry, established by the articles 6 and 7 of the present Law, shall be liable in conformity with the legislation of the Kyrgyz Republic.

SECTION V. Final Provisions

Article 64. State and consular fees

Under the present Law state and consular fees shall be paid in the amount determined by the Kyrgyz legislation.

Article 65. Effect of the present Law

The present Law shall take the effect from the day of its publication. The Government of the Kyrgyz Republic shall bring its normative and legal acts into consistency with the present Law.

The Kyrgyz Law “On The Order of Stay of Foreign Nationals in the Kyrgyz Republic (bulletin of the Jogorku Kenesh of the Kyrgyz Republic, 1994, #3, p. 70) shall be deemed as a superseded.

The President of the Kyrgyz Republic

Akaev A.

Bishkek City , the Government House
July 17, 2000

