

LAW OF THE REPUBLIC OF KAZAKHSTAN

On refugees

of December 4, 2009 No. 216-IV ZRK

(amended as of 03-07-2014)

This Law determines legal status of persons who are looking for shelter and refugees in the territory of the Republic of Kazakhstan.

Article 1. The basic concepts used in this Law

In this Law the following basic concepts are used:

1) the refugee - the foreigner who owing to reasonable concerns to fall victim of prosecutions on the basis of race, nationalities, religions, nationality, belonging to certain social group or political convictions is out of the country of the civil accessory and cannot use protection of the country or does not wish to use such protection owing to such concerns or the stateless person, being out of the country of the permanent residence or civil accessory which cannot or do not wish to return to it owing to these concerns;

2) the certificate of the refugee - the identity document and the confirmatory status of the refugee;

3) the travel document - the document issued to person who is given the status of the refugee, for movement outside the territory of the Republic of Kazakhstan;

4) the safe third country - the country in which person who is looking for shelter temporarily was before arrival in the Republic of Kazakhstan and where to it it can be provided or access to effective mechanisms of protection and determination of the status of the refugee was provided;

5) shelter - provision of protection in the territory of the Republic of Kazakhstan to persons who are looking for shelter by assignment of the status of the refugee;

6) person who is looking for shelter - the foreigner or the person without citizenship who showed willingness to address for shelter in the Republic of Kazakhstan before acceptance of the final decision by authorized body according to their petition for assignment of the status of the refugee;

7) the certificate of person who is looking for shelter - the document issued by authorized body, confirming registration of the petition for assignment of the status of the refugee;

8) authorized body - the state body performing management in the sphere of regulation of the relations concerning refugees;

9) country of source - the country of civil accessory of the foreigner or the permanent residence of the stateless person.

Article 2. Coverage of this Law

1. This Law governs the public relations in the field of legal status of persons who are looking for shelter and refugees in the territory of the Republic of Kazakhstan.

2. Operation of this Law does not extend to the relations connected with provision of political asylum in the territory of the Republic of Kazakhstan and also to persons who left the country of the nationality or the country of the permanent residence in connection with the economic reasons.

Article 3. Legislation of the Republic of Kazakhstan on refugees

1. The legislation of the Republic of Kazakhstan on refugees is based on [the Constitution](#) of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

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

Article 4. The basic principles of state policy concerning refugees

The basic principles of state policy concerning refugees are:

- 1) providing persons who are looking for shelter and refugees the right to shelter according to the procedure established by this Law;
- 2) inadmissibility of discrimination based on social origin, race, nationality, nationality, religion and political convictions when holding procedures for assignment of the status of the refugee;
- 3) maintaining confidentiality of information on private life of persons who are looking for shelter and refugees;
- 4) assistance to reunion of the separated families of persons who are looking for shelter and refugees;
- 5) protection of the rights of the children refugees who are in the Republic of Kazakhstan according to the legislation of the Republic of Kazakhstan on the child's rights;
- 6) non-admission of expulsion of persons who are looking for shelter and refugees in the presence of the bases provided [by part two of Item 2 of article 18](#) of this Law.

Article 5. Competence of the Government of the Republic of Kazakhstan

Government of the Republic of Kazakhstan:

- 1) develops the main directions of state policy concerning refugees;
- 2) adopts regulatory legal acts concerning refugees within the competence;
- 3) is determined by procedure for assignment, prolongation, deprivation and termination of the status of the refugee;
- 4) determines Items of the temporary settlement in case of mass inflow of persons who are looking for shelter and makes decisions on these questions;
4-1) *No. 239-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 29.09.2014*
- 5) performs other powers provided [by the Constitution](#), the laws of the Republic of Kazakhstan and acts of the President of the Republic of Kazakhstan.

Article 6. Competence of authorized body

Authorized body:

- 1) realizes state policy concerning refugees;
- 2) Develops 2), approves regulatory legal acts concerning refugees within the competence;
- 2-1) performs coordination and methodical management of local executive bodies concerning refugees;
- 3) is performed by international cooperation concerning refugees;
- 4) *the subitem 4) of Article 6 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*
- 5) *No. 159-V ZRK is excluded according to the Law of the Republic of Kazakhstan of 13.01.2014*
- 6) exercises the state control of compliance with law of the Republic of Kazakhstan about refugees;
- 7) is approved by order of registration and considerations of the petition for assignment of the status of the refugee, samples of the certificate of person who is looking for shelter;
- 8) assists in limits of the competence to person recognized as the refugee in receipt of information on the relatives living in country of source;
- 9) grants the certificate of person who is looking for shelter;
- 10) performs procedures of assignment, prolongation, deprivation and the termination of the status of the refugee;

11) is approved by sample of the travel document, performs certification of the refugee and the travel document;

Creates 12) and monthly sends lists of persons who are looking for shelter and refugees to bodies of homeland security;

Develops 13) and approves regulations on the commission on implementation of the procedure of assignment, prolongation, deprivation and termination of the status of the refugee, and also creates said commission;

13-1) provides observance of the rights of persons who are looking for shelter and refugees;

13-2) performs registration of persons who are looking for shelter and refugees;

13-3) on representation of bodies of homeland security limits or forbids access for persons who are looking for shelter and refugees on the certain sites of the area or objects located in border area (strip) during the arisen emergency situations of natural and technogenic nature, boundary search of violators of border, reflection of the armed invasion or mass transitions of citizens of the adjacent state to the territory of the Republic of Kazakhstan;

13-4) performs exclusion of persons who are looking for shelter and refugees in pursuance of the judgments which took legal effect;

13-5) approves sample of the certificate of the refugee and the requirement to its protection;

14) performs other functions provided by this Law, other laws, acts of the President and the Government of the Republic of Kazakhstan.

Article 7. Competence of other state bodies

1. The authorized body performing foreign policy activities:

1) represents the Republic of Kazakhstan in the intercourses with foreign states and the international organizations for refugees;

2) *the subitem 2) of Item 1 of Article 7 is excluded according to the Law of the Republic of Kazakhstan of 03.07.2013 No. 124-V ZRK*

3) represents in the procedure established by the legislation to the President, Parliament and the Government of the Republic of Kazakhstan offers and recommendations about questions of the relations of the Republic of Kazakhstan with foreign states and the international organizations for cases of refugees;

4) is provided by participation of the Republic of Kazakhstan in activities of the international organizations, conferences, meetings, forums concerning refugees and international campaigns on protection of the rights of refugees;

5) assists in limits of the competence to person recognized as the refugee in receipt of information on the relatives living in country of source;

6) performs other functions provided by this Law, other laws, acts of the President and the Government of the Republic of Kazakhstan.

2. *It is excluded*

2-1. Authorized body in the sphere of civil protection:

Represents 1) to the Government of the Republic of Kazakhstan according to the procedure, the established legislation of the Republic of Kazakhstan, the offer on release of material values from the state material reserve for assistance to refugees in coordination with authorized body in the field of the state material reserve;

2) renders assistance to local executive bodies in expansion of camps, preparation of stationary camps for acceptance of refugees;

3) ensures fire safety in tent and stationary camps for acceptance of refugees;

4) performs other powers provided by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

3. Other state bodies of the Republic of Kazakhstan perform regulation in the sphere of the relations concerning refugees within the competence established by this Law, other laws, acts of the President and the Government of the Republic of Kazakhstan.

Article 8. The rights and obligations of persons who are looking for shelter

1. Persons who are looking for shelter have the right on:

- 1) receipt of free translation service and receipt of information on procedure for assignment of the status of the refugee, about the rights and obligations;
- 2) the address with the petition for assignment of the status of the refugee through consular establishments of the Republic of Kazakhstan;
- 3) withdrawal of the petition for assignment of the status of the refugee;
- 4) appeal of the decision of authorized body on refusal in assignment of the status of the refugee;
- 5) stay in the Republic of Kazakhstan for a period of up to the end of procedure of decision making for the petition for assignment of the status of the refugee, including appeal terms;
- 6) voluntary return in country of source or moving to any third country;
- 7) medical attendance according to the legislation of the Republic of Kazakhstan in the field of health care;
- 8) freedom of work or business activity according to the legislation of the Republic of Kazakhstan;
- 9) judicial protection of the property and personal non-property benefits and rights.

2. Persons who are looking for shelter shall:

- 1) to report the authentic data necessary for decision making on assignment of the status of the refugee;
- 2) to have obligatory medical examination in the terms and procedure established by authorized body in the field of health care;
- 3) to observe the legislation of the Republic of Kazakhstan;
- To report 4) in authorized body about intention to leave the territories of the Republic of Kazakhstan;
- 5) to be struck off the register in case of change of the residence in the territory of the Republic of Kazakhstan both to be registered respectively and to be registered within five working days from the date of arrival on the new residence.

3. Persons who are looking for shelter have other rights and freedoms, and also perform all duties established [by the Constitution](#), the laws and international treaties of the Republic of Kazakhstan for foreigners and stateless persons.

Article 9. Rights and obligations of refugees

1. Refugees have the right on:

- 1) shelter;
- 2) information request from the relevant authorized bodies about the relatives living in country of source;
- 3) appeal of the decision of authorized body on refusal in prolongation, about deprivation or the termination of the status of the refugee;
- 4) voluntary return in country of source or moving to any third country;
- 5) medical attendance according to the legislation of the Republic of Kazakhstan in the field of health care;
- 6) freedom of work or business activity according to the legislation of the Republic of Kazakhstan;
- 7) judicial protection of the property and personal non-property benefits and rights;
- 8) export of the property brought with itself, and also legally acquired by it in the territory of the Republic of Kazakhstan to other country to which it is granted the entrance right for the settlement;
- 9) receipt of the certificate of the refugee and travel document.

2. Refugees shall:

- 1) to observe the legislation of the Republic of Kazakhstan;
- To report 2) in authorized body about intention to leave the territories of the Republic of Kazakhstan;
- 3) to be struck off the register and to be registered in authorized body in case of change of the residence in the territory of the Republic of Kazakhstan both to be registered respectively and to be registered within five working days from the date of arrival on the new residence.

3. Persons having the status of refugees have other rights and freedoms, and also perform all duties established [by the Constitution](#), the laws and international treaties of the Republic of Kazakhstan for foreigners and stateless persons.

Article 10. Procedure for giving and registration of the petition for assignment of the status of the refugee

1. Person who is looking for shelter within five calendar days on arrival on the territory of the Republic of Kazakhstan or since the moment when it, being in the territory of the Republic of Kazakhstan, learned about emergence of circumstances to fall victim of prosecutions on the basis of race, nationality, religion, nationality, belonging to certain social group or political convictions, can address personally or by proxy on that the representative with the written petition for assignment of the status of the refugee in the place of the stay to authorized body.

2. If person who is looking for shelter did not arrive to the territory of the Republic of Kazakhstan yet, it can address personally or by proxy on that the representative with the written petition for assignment of the status of the refugee to diplomatic representation or consular establishment of the Republic of Kazakhstan.

The diplomatic representation or consular establishment of the Republic of Kazakhstan through diplomatic channels transfers the petition for assignment of the status of the refugee to authorized body for consideration.

3. When crossing Frontier of the Republic of Kazakhstan person submits the written petition to Item of migratory control, and in case of lack of such Item - to division of the Border service of Committee of homeland security of the Republic of Kazakhstan.

In the absence of the check point through Frontier of the Republic of Kazakhstan person in case of forced illegal crossing of Frontier of the Republic of Kazakhstan shall address to authorized body within a day.

4. In cases when persons detained for illegal entrance or stay in the territory of the Republic of Kazakhstan express intention to address with the petition for assignment of the status of the refugee, competent authorities inform authorized body within one day from the moment of detention.

The authorized body within two calendar days finds out circumstances of their stay in the territory of the Republic of Kazakhstan and registers the petition for assignment of the status of the refugee.

5. The information about the members of his family who arrived together with person who did not reach eighteen years is entered on the basis of documents on the birth in the petition of one of parents, and in the absence of parents - in the petition of their legal representatives.

6. In day of registration of the petition for assignment of the status of the refugee in the Republic of Kazakhstan are issued to person who is looking for shelter the certificate of person who is looking for shelter and its registration for a period of up to decision making according to its petition is made.

7. The information about the family members who did not reach eighteen years is entered in the certificate of person who is looking for shelter, one of parents or legal representatives.

To the person who is looking for shelter, did not reach eighteen years and arrived to the territory of the Republic of Kazakhstan without parents or legal representatives the certificate of person who is looking for shelter is granted.

Article 11. Assignment of the status of the refugee

1. The decision on assignment of the status of the refugee is made by authorized body within three months from the date of registration of the petition for assignment of the status of the refugee.

In cases when decision making requires additional check, removal of the final decision is postponed for term no more than one year.

2. Recognition by refugees of persons which are members of one family is performed concerning each family member who reached eighteen years taking into account the circumstances provided by the subitem

1) article 1 of this Law.

In case of lack of the circumstances provided in the subitem 1) of article 1 of this Law concerning one of family members who reached eighteen years for the purpose of ensuring reunion of family this family member from its consent is also recognized the refugee.

Requirements of this Article, and also Articles 10, of 12, 13 and 14 these Laws are applied to the spouse (spouse) of the person which received the status of the refugee or who addressed for shelter in the Republic of Kazakhstan for the purpose of reunion with family in case of submission of the petition.

The spouse (spouse) and minor children of person who arrived territory Republic of Kazakhstan later persons, which received the status of the refugee in the Republic of Kazakhstan or person who is looking for shelter in case of submission of the petition for the purpose of reunion of family shall produce the evidence and (or) documents confirming them the family relations in authorized body.

In case of violation of unity of family owing to divorce or the death of the refugee the status of the refugee of members of his family remains on effective period of the decision on assignment to it the status of the refugee.

3. Recognition by the refugee of the person which did not reach eighteen years and arrived to the territory of the Republic of Kazakhstan without parents or legal representatives is performed taking into account interests of this person according to this Law after receipt of information about parents or legal representatives.

4. If at person recognized as the refugee the child is born, the legal status of the child is determined according to the legislation of the Republic of Kazakhstan.

5. The status of the refugee is given for a period of one year. To person who is given the status of the refugee the authorized body issues the certificate of the refugee within five working days from the date of decision making.

When preserving in country of source of the refugee of the former circumstances forming the provision basis to it the status of the refugee, the term of the status of the refugee is prolonged for one year and for each next year by authorized body based on the application of the refugee submitted by it a month before the termination of the specified term.

6. If to person who is looking for shelter it is refused assignment of the status of the refugee, the authorized body within five working days from the date of decision making about refusal hands or sends to person who is looking for shelter, the copy of the decision with indication of causes of failure and explanation of procedure for appeal of the made decision.

Article 12. The bases for refusal to person who is looking for shelter in assignment of the status of the refugee

The basis for refusal to person who is looking for shelter in assignment of the status of the refugee are the following circumstances:

1) lack of reasonable concerns that person can fall victim of prosecutions on the basis of race, nationality, religion, nationality, belonging to certain social group or political convictions;

If person refuses to report 2) or reports obviously false data on itself and on circumstances of arrival on the territory of the Republic of Kazakhstan, and also shows false documents;

3) availability at person of nationality of the third state whose protection it can use;

4) if person arrived directly from the territory of the safe third country;

5) if concerning this person there are strong reasons to assume that it participates or participated in activities of the terrorist, extremist, and also forbidden religious organizations functioning in the country of civil accessory or in the country from where it arrived;

6) if concerning this person there are strong reasons to assume that it committed crime against the world, war crime or crime against humanity in the definition given to these acts in the international acts signed for the purpose of taking measures concerning similar crimes;

7) if concerning this person there are strong reasons to assume that it committed serious crime of non-political nature outside the Republic of Kazakhstan before arrival on its territory;

8) if concerning this person there are strong reasons to assume that it is guilty of making of the acts contradicting the purposes and the principles of the United Nations and the international organizations which members is Kazakhstan;

9) if this person uses protection, or the help of bodies or organizations of the United Nations, except Management of the High Commissioner of the United Nations for refugees.

Article 13. Deprivation of person of the status of the refugee

1. Person loses the status of the refugee if it:

1) reported obviously false data or showed the false documents which formed the basis for assignment of the status of the refugee;

2) war crime or crime against humanity in the definition given to these acts in the international acts signed for the purpose of taking measures concerning similar crimes was condemned for crime against the world;

3) it was condemned for the serious crime of non-political nature committed outside the Republic of Kazakhstan before arrival on its territory;

4) it was condemned for making of the acts contradicting the purposes and the principles of the United Nations and the international organizations which members is Kazakhstan;

5) it was condemned for participation in activities of the terrorist, extremist, and also forbidden religious organizations.

2. The authorized body within five working days from the date of decision making about deprivation of the status of the refugee hands or sends to this person the copy of the decision with indication of the reasons of this decision and explanation of procedure for appeal of the made decision.

Article 14. Termination of the status of the refugee

1. The status of the refugee stops if person:

1) was acquired by nationality of the Republic of Kazakhstan or other state and uses protection of the state which citizen it became;

2) cannot refuse use of protection of the country of the civil accessory as circumstances based on which it was acknowledged as the refugee changed more;

3) the lost nationality of the former state, voluntarily accepted it again;

4) voluntarily again used protection of the country which citizen it was;

5) showed willingness to return to country of source as the provision bases to it the status of the refugee ceased to exist;

6) voluntarily returned to the country which left or which left because of danger of prosecution;

7) left the Republic of Kazakhstan on the permanent residence.

2. The status of the refugee also stops after its term in the absence of prolongation.

Article 15. Procedure for appeal of the decision of authorized body

The decision of authorized body on refusal in assignment, prolongation of the status of the refugee or about deprivation of the status of the refugee can be appealed in higher authorized body and (or) in court according to the procedure, established by the laws of the Republic of Kazakhstan.

Article 16. Protection of children, persons interested to receive the status of refugees, and children refugees

1. To the children wishing to receive the status of refugees, and children refugees, as arrived without parents, or other legal representatives and when parents or other family members cannot be found, the same protection, as well as to other children in the Republic of Kazakhstan, without parental support is provided, according to the legislation of the Republic of Kazakhstan on the child's rights.

2. The certificate of the refugee is issued to children refugees who are in the territory of the Republic of Kazakhstan without parents or legal representatives.

Article 17. Acquisition of nationality of the Republic of Kazakhstan

Refugees acquire nationality of the Republic of Kazakhstan according to the legislation of the Republic of Kazakhstan on nationality.

Article 18. Return and expulsion

1. Persons who are looking for shelter and refugees shall leave voluntarily the territory of the Republic of Kazakhstan together with members of their families within one month from the date of decision making of authorized body or court about refusal in provision, prolongation or about deprivation of the status of the refugee, and also about the termination of the status of the refugee.

2. In case of refusal persons who are looking for shelter and refugees voluntarily to leave the territory of the Republic of Kazakhstan exclusion of persons who are looking for shelter and refugees it is made by authorized body according to the legislation of the Republic of Kazakhstan and in pursuance of the judgments which took legal effect.

It is forbidden to return or expel from persons who are looking for shelter and refugees on country border where their life or freedom danger on the basis of race, religions threatens, to nationality, nationality, belonging to certain social group or political convictions.

Article 19. Financial provision

Financing of the expenses connected with refugees in the Republic of Kazakhstan is performed at the expense of the budgetary funds and other sources which are not contradicting the legislation of the Republic of Kazakhstan.

Article 20. Responsibility for violation of the legislation of the Republic of Kazakhstan on refugees

Violation of the law of the Republic of Kazakhstan about refugees attracts the responsibility established by the laws of the Republic of Kazakhstan.

The refugees and persons who are looking for shelter, made criminal or administrative offenses in the territory of the Republic of Kazakhstan bear responsibility in accordance with general practice with citizens of the Republic of Kazakhstan, except as specified, established by the ratified international treaties of the Republic of Kazakhstan.

Article 21. Procedure for enforcement of this Law

This Law becomes effective since January 1, 2010.

President of the Republic of Kazakhstan

N. Nazarbayev